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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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08/650,834

05/20/1996

STEPHEN C. WREN

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08/03/2007

STEPHEN WREN

2120 SERENIDAD LANE, #C

MARYLAND HEIGHTS, MO 63043-2304

EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 08/650,834
Filing Date: May 20, 1996
Appellant(s): WREN, STEPHEN C.

Stephen C. WREN
Appellant, *pro se*

EXAMINER'S ANSWER

This is in response to the appeal brief filed 25 January 2007 appealing from the Office action mailed 18 July 2005.

There are 5 appendices: A (application 08/268,309); B (application 08/668,561);
C (Grounds of Rejection); D (Consolidated Examiner Response);

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is essentially correct. See Appendix D, concerning multiple central communications facilities.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement is essentially correct. Appellant also states:

...It is also Applicant's understanding that since he is filing this brief pro se he is only required to "substantially comply with paragraphs (c)(1)(i) through (c)(1)(iv) and (c)(1)(vi i) through (c)(1)(x)" of 37 C FR 41.37...

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

Claims 30, 44, 59, 70, 82, 87-90, 108, 115, 123, 130, 138, 140 are independent.

(8) Evidence Relied Upon

4,992,940.	02-1991	Dworkin; Ross E.
5,191,410	03-1993	McCalley; Karl W. et al.
5,347,632	09-1994	Filepp; Robert et al.
5,576,951	11-1996	Lockwood; Lawrence B.
5,724,424.	03-1998	Gifford; David K.
5,734,823	03-1998	Saigh; Michael M. et al.
5,819,092	10-1998	Ferguson; Charles H. et al.
6,055,514	04-2000	Wren; Stephen Corey

ATT Services: *AT&T provides compass*, Communications International, London, July 1993, Vol./ 20, Iss. 7, p. 6, 2 pages.

InTouch Internet Shopping Network (ISN) launches Interactive Home Music Shopping Service with intouch group, inc. for Internet Users Worldwide; *online service features more than 40,000 music titles in 21 genres.* Business Wire, 11 April 1995.

(9) Grounds of Rejection

See Appendix D / Grounds of Rejection

(10) Response to Arguments

Appellant relies on external documents: Appendix A, 08/268309, filed June 29, 1994, with Fig. 1 amended 03/29/96 and Appendix B, 08/668561, filed June 21, 1996 (now US 6,055,514).

In Appendix D, the Examiner consolidates responses to various repetitive arguments. Remaining arguments are addressed below:

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As to Ground of Rejection 1, Appellant argues:

[claim 115] Saigh neither the cited figures or passages support....."each of said first or other computerized central communications facilities having a processor programmed to receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database"

Claim 140 (independent, entertainment rentals)... Saigh is not prior art ...the cited figures or passages support....."each of said first or other computerized central communications facilities having a processor programmed to....receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database"

In response, the Examiner asserts that Saigh is prior art. Appendix D.

Claims 116, 121, 122 and 141-143 are not separately argued. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claims.

As to Ground of Rejection 2, Appellant argues:

[Claim 123] [Gifford] does not anticipate applicant's limitation...Nothing contained in Fig 3 supports this claimed limitation either...Gifford, Col. 60-2[sic] and/or Fig. 3 supports [claimed limitation]...

In Gifford then the downloaded program is only used to generate a 'user purchase request and message', not to 'translate information contained in a transmitted hypermedia document' as herein claimed. Nothing contained in Fig 3 supports this claimed limitation either.

The Examiner respectfully disagrees. Gifford anticipates claim 123:

...In another aspect of the invention, an electronic sales system contains digital advertisements that include programs. The programs are executed on behalf of a user by a buyer computer, and can lead to a purchase request directed to a merchant computer that performs product fulfillment. Gifford, Col. 3, lines 33-38.

... The software architecture underlying the particular preferred embodiment is based upon the hypertext conventions of the World Wide Web. Appendix A describes the Hypertext Markup Language (HTML) document format used to represent digital advertisements, Appendix B describes the HTML forms fill out support in Mosaic 2.0, Appendix C is a description of the Hypertext Transfer Protocol (HTTP) between buyer and merchant computers, and Appendix D describes how documents are named with Uniform Resource Locators (URLs) in the network of computers. A document is defined to be any type of digital data broadly construed, such as multimedia documents that

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include text, audio, and video, and documents that contain programs. Gifford, Col. 4, line 61-Col. 5, line 6.

As to Ground of Rejection 3, Appellant argues

[claim 30] ...AT&T does not teach the invention as claimed ...Nothing in AT&T suggests their system was used to market and/or sell goods and/or services (abstract or otherwise) as herein claimed...."An apparatus to market and/or sell goods or services over an electronic network"...Wren is used to sell and market goods and services...

The Examiner respectfully disagrees. Appellant admits that the ATT reference provides a shopping list. ATT also discloses that the number of *networks* tied into the Internet has been doubling every 12 months [page 2, paragraph 8]. The Examiner also notes that ATT discloses commercial users [page 2, paragraph 12]...90% of users are commercial [page 2, paragraph 13]...Users...[want] also...how to sell and use services that are available on [the Internet] [page 2, paragraph 14].

Appellant argues,

[claim 31]...Examiner improperly combines disparate references...Dworkin has a single central facility providing product information to multiple customers...Dworkin is a one to many system.

AT&T has multiple central facilities providing research information [sic] to multiple users...AT&T is a many to many system. These systems are therefore fundamentally different... Combining them would then alter their principal [sic] of operation.

The Examiner disagrees. ATT and Dworkin are properly combinable. See Appendix D. Both references disclose buying and selling goods and services (including information) over networks by users (Appellant's customers). Dworkin Fig. 1 discloses network(s):

An automated system assists a user [Appellant's customers] in locating and purchasing goods or services sold by a plurality of vendors...[Dworkin, abstract, emphasis added]

Appellant argues,

[claim 32]...the cited passage of Dworkin does not teach the invention as claimed...[wherein at least one of said...any special offerings...] It only teaches ["Item no.

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4...promotions"] In Dworkin it is then the customer who contacts the central facility, not the central facility that contacts the customer as herein claimed..."

The Examiner respectfully disagrees. The cited section states:

...In effect, the system provides the user with a "bulletin board" of special notices from the management of the system, or from one or more suppliers. This bulletin board may include information of virtually any kind that may be of interest to users of the system. In particular, it may alert the user to new products which have only recently become available. This bulletin board may include one or more pages of information, some or all of which can be viewed at the user's option. The user can be given the choice of leaving this part of the program at any point. Col. 9, lines 37-48, emphasis added.

Appellant argues,

[claim 33] ATT does not teach ...wherein said computerized central facilities are associated with competing providers of goods or services" [emphasis in original]

Appellant provides no arguments as to why he feels this way. The feature was rejected by the Examiner. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claims.

Appellant argues

[Claim 36] The use of Official notice is improper...The Examiner uses Official notice and declares the recited use of a 'presentation stopping point' as claimed to be obvious. ... Examiner is therefore using hindsight...

See Appendix D for response to arguments concerning Official Notice and hindsight. The Examiner notes that the feature was rejected by the Examiner. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

Appellant argues,

[claims 36, 51] ...this limitation in a related case (US Pat No. 6055514) was ruled to be novel and an inventive step. Please see Notice of Allowability dated November 10, 1999, page 3, item 6 in said case

The Office prohibits the Examiner from expressing an opinion concerning an issued patent. 35 USC 282. Further, the Examiner gives full faith and credit to searches and action of previous Examiners in the issued application and in the instant application, now on Appeal.

Appellant argues,

[claim 39] ...ATT...does not teach ...downloading software...adapted to present information of interest to said customer...[ATT] only supports downloading data (directory).

[claim 41] ...[Dworkin] does not teach ...download software...adapted to enable said customer to conduct a transaction using the information provided...relating to goods or services..." It only supports downloading data (directory)

[claim 43] depends on a claim that is deemed allowable and is therefore itself allowable.

The Examiner respectfully disagrees. The feature was rejected by the Examiner. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

Appellant argues,

[claim 44, Independent. Select and contact]...ATT... was not for the purpose of marketing goods or services. Nothing in the reference supports "...marketing at least one of goods or services..."

AT&T does not say it is used for marketing. The Examiner fails to distinctly cite any passage and thereby fails to fulfill his burden of proof. The Examiner is therefore using hindsight to modify the reference in light of the inventor's application.

Further, the Examiner misstates Applicant's claim. It had been previously amended (July 2004) to recite "said first central communications facility adapted to enable said customer to select and contact a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request". AT&T does not teach this limitation as is now contained in the present claim.

...Dworkin has a database, but it does not support "a second central communications facility having a database of information relating to a second set of information relating to goods or services to provide upon request" as is claimed. Dworkin has only one central facility from which a customer may request information...

The Examiner respectfully disagrees. Dworkin discloses multiple vendors. A customer can request and download information from one or more vendor facilities.

Appellant argues,

[claim 45]... Examiner improperly combines disparate references to meet this claim... Dworkin has one central facility providing product information to multiple customers, whereas AT&T has multiple central facilities providing research information to multiple users. In Dworkin all product information is stored at the sole central facility. In AT&T research information is stored in multiple servers. Dworkin is a one to many system. AT&T is a many to many system. These systems are therefore fundamentally different. Combining them would then alter their principal of operation and be contrary to Dworkin's teaching that all accessible information should be stored in a single central facility.

The Examiner disagrees. Again, both references disclose buying and selling goods and services (including information) over networks by users (Appellant's customers). For ATT, see above. Dworkin Fig. 1 discloses network(s):

An automated system assists a user [Appellant's customers] in locating and purchasing goods or services sold by a plurality of vendors... [Dworkin, abstract, emphasis added]

Appellant argues,

[claim 51]... As noted above, the Office previously regarded the use of a 'presentation stopping point' (a limitation of this claim) as novel and inventive. Examiner is therefore using hindsight in his use of Official Notice.

The Office prohibits the Examiner from expressing an opinion concerning an issued patent. 35 USC 282. The Examiner gives full faith and credit to searches and action of previous Examiners in the issued application and in the application being appealed. See Appendix D for response to hindsight arguments.

Appellant provides no arguments as to why he feels the combination is improper. The Examiner notes that the feature was rejected by the Examiner. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

Appellant argues,

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[claim 54] ...Dworkin...does not support the claimed limitation of a software application for assisting the central communications facility to download a contract to the computerized remote location".

However, Dworkin discloses that the transaction number is sent electrically to the user (col. 8, lines 25-37). The transaction number represents the order for the product or service that is transmitted by the system to the supplier/vendor (i.e. contract).

Appellant argues,

[Claim 58]...AT&T...does not teach the claimed limitation "means for downloading software from the central communications facility to the computerized remote facility". The Examiner fails to cite any specific portion of the reference to support his contention and therefore fails to meet his burden of proof. AT&T only supports downloading data (directory).

The Examiner respectfully disagrees. In ATT a directory of directories is displayed to a customer (page 2). The Customer's computer displays this information by accessing the information at the ATT web site. Clearly, the information is downloaded to the customer computer from the ATT web site in order for the information to be displayed to the customer.

Appellant argues,

[claim 79]...Dworkin does not teach the invention as claimed. Nothing in the cited Dworkin figures teaches the claimed limitation "wherein said first central communications facility further enables said customer to browse said first set of information relating to goods and service". ...Dworkin merely provides menus containing lists of options from which a customer may choose.

The Examiner respectfully disagrees. Please see at least Fig. 4 and related text, which discloses browsing a list of hardware.

...The sample display of FIG. 4 is only exemplary, and many other arrangements could be used. The categories of goods or services are somewhat arbitrary and can be modified. If the number of types of products is too large to fit on one screen, the system can be programmed to accept a command to display additional screens of information. Col. 5, lines 28-34.

In response, the Examiner notes that Appellant describes brows[-ing] as:

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The third type of shopper, the independent or independent type customer, can establish contact with the central facility's equipment without the assistance of a representative, and merely help himself in a self-service mode to databases which he can browse through for the goods or services which interest him. The information available to 23. [Specifications, page 23, lines 20-25, emphasis added]

Now, Appellant attempts to rely on an external argument and argues,

He does not provide the functionality herein claimed, namely 'to browse'. [See MSN Encarta at <http://encarta.msn.com/dictionary/browse.html> 3. transitive and intransitive verb comput online scan computer files: to scan and view files in a computer database or on the Internet, especially on the World Wide Web

Appellant's newly definition is only for a species of browsing.

Appellant argues,

[Claim 81] Dworkin does not teach the invention as claimed...Dworkin figures do not teach the claimed limitation "enabling the remote facility to search said first database or said second database". In the cited figures Dworkin merely provides menus containing lists of options from which a customer may choose. ...

The Examiner disagrees. The Examiner notes that said feature was rejected by the Examiner and Applicant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

Claims 43, 59, 61-64, 67, 80, 82-85, 87-90, 92 and 100 are not separately argued. The features were rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claims.

As to Ground of Rejection 4, Appellant argues

...the rejection of claims 50, 72, 77, 78, and 86 over AT&T and Dworkin...McCalley is unfounded....Even if it is proper to combine these references...

However, ATT, Dworkin and McCalley are properly combined. See Appendix D.

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As to Ground of Rejection 5, Appellant argues

[Claim 34] Even if it is proper to combine these references (as established above it is improper to combine AT&T with Dworkin), this claim is dependent on a claim that is deemed in condition for allowance. Therefore, for at least this reason this claim is allowable.

Appellant seems to feel the claim is allowable. The Examiner notes that the feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

Appellant argues,

[Claim 35] The proposed combination is improper and Filepp does not teach the invention as claimed... The combination of Dworkin, AT&T and Filepp to meet this claim is as above improper as they teach away from one another. For example, Filepp teaches a single source of information at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to alter their principal of operation and be contrary to the teaching of Filepp.

[Claim 38] It is not proper to combine these references to meet this claim as Filepp teaches away from AT&T as established above. Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to change the principal of operation and be contrary to the teaching of Filepp.

[Claim 48] The Examiner argues claim 48 is "substantially similar" to claim 35. Since claim 35 is deemed allowable, so should claim 48 be.

The Examiner respectfully disagrees. The references are properly combined. See Appendix D. The Examiner notes that the feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

Appellant argues,

[Claim 52] The combination of Dworkin, AT&T and Filepp as indicated above is improper. They teach away from one another. For example, Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to change the principal of operation and be contrary to the teaching of Filepp.

[Claim 53] The reference does not support the invention as claimed. Filepp's disclosure of "quotes and buy/sell orders for stocks and bonds" is not the same as providing

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"auctioning services". Utilizing the common meaning of the word as set forth in Webster's New Lexicon Dictionary publ. 1989, pg 61, the stock and bond market is clearly not an auction (i.e. a public sale at which the goods are sold to the highest bidder). See Appendix A.

The Examiner disagrees. Buying and selling of stocks and bonds take place at auction markets. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02) and has not overcome the rejection of the claim.

Appellant argues,

Again, it is not proper to combine these references as Filepp teaches away from AT&T. For example, Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to change the principal of operation and be contrary to the teaching of Filepp.

The Examiner respectfully disagrees. See Appendix D.

Appellant argues,

[Claim 94] The references are improperly combined. It is believed the Examiner meant to cite Filepp, here and not Dworkin. Even if having the customer enter an access code was the same as verifying the identity of the customer it is not proper to combine these references as Filepp teaches away from AT&T. Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to alter the principal of operation and be contrary to the teaching of Filepp.

The Examiner respectfully disagrees. See Appendix D.

Appellant argues,

[Claims 95 and 103] The reference does not teach the invention as claimed. The Examiner is mistaken as to what Filepp discloses. The cited section discloses only that his system "provides information on a wide variety of topics, including, but not limited to news, industry, financial needs...". It does not "provide information about the sale or financing of housing" as Applicant claims. Further and as previously pointed out, it is not proper to combine these references because Filepp teaches away from AT&T. Filepp teaches a single source of information as at column 6, line 41, whereas AT&T teaches multiple sources. To combine would be to alter the principal of operation.

response, the Examiner respectfully directs attention to external providers [plural] of goods and services (see col. 7, line 1-Col. 8, line 61, Col. 22, lines 20-44, col. 35, line 66-Col. 36, line 14, col. 75, line 40-Col. 76, line 12).

Appellant admits that Filepp supports

...that presentation data may contain codes for audio signals, videotext...and sounds...

Yet Appellant concludes that

...[Filepp does not] support the invention as claimed "adapted to provide information relating to goods or services in the form of an audio or video presentation".

Filepp does not teach away from ATT. Filepp discloses external providers

[plural] of goods and services (see col. 7, line 1-Col. 8, line 61, Col. 22, lines 20-44, col. 35, line 66-Col. 36, line 14, col. 75, line 40-Col. 76, line 12).

Claims 48, 68, 69, 107 are not separately argued. The feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 6, Appellant argues

[Claim 70] This claim was amended in July 2004. As such it appears to have been misinterpreted. It was changed as follows:...In Claim 70, line 4, delete the words "direct said customer to at least one other central communication facility" and replace them with - enable said customer to select and contact at least one other second central communication facility --.

Use of the limitation "select and contact" is not anticipated by any of the references as documented above...Further, and as above, the Examiner improperly combines disparate references. Dworkin has one central facility providing product information to multiple customers, whereas AT&T has multiple central facilities providing research information to multiple users. In Dworkin all product information is stored at the sole central facility. In AT&T research information is stored in multiple servers. They are structurally different systems. Combining them would therefore alter their principal of operation and be contrary to Dworkin's teaching that all accessible information should be stored in a single central facility.

The references are properly combined. Appendix D. The Examiner notes that the feature was rejected by the Examiner and Appellant is required to explain why the

references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 7, Appellant argues

[claims 93, 96-98, 101, 104-106]...discussed fully above, the combination of AT&T and Dworkin is improper....Therefore, the combination of Official notice with AT&T and Dworkin is improper...

...the use of Official notice itself is highly questionable. According to the MPEP at 2144.03(A)...As this application is under final action such a use then of Official notice should be rare and only when the purported common knowledge is instantly unquestionable.

As Applicant's system was not in existence before the date of his invention it is exceedingly difficult to see how a further modification by each of these dependent claims could be "capable of instant, and unquestionable demonstration as being well-known". Applicant maintains such knowledge could not possibly have been so and that Examiner is once again using Appellant's own disclosure to meet this claim through an improper application of Official notice.

The references are properly combined; Official Notice is proper. Appendix D.

The Examiner notes that the feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 8, Appellant argues

[Claim 108]...(independent, similar to Woolston 265)... Saigh is not prior art

[Claim 112]...Saigh is not prior art...Examiner is using hindsight to modify Saigh...

In response, Saigh is prior art. Appendix D. For response to hindsight argument, see Appendix D. The feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

Appellant argues,

[Claim 110]...[Saigh], column 14, lines 21-25] does not support "provide a coupon relating to said goods or services to said customer" as Applicant claims... Permitting users to view "available discounts" does not provide them coupons.

The Examiner respectfully disagrees. The Examiner notes that the feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

Appellant argues,

[Claim 113]... Saigh is not prior art... Saigh col. 14, lines 21-25 does not support the invention as claimed "wherein at least one of said apparatus is configured to contact said customer".

[Claim 114]... Saigh is not prior art... Saigh column 14, lines 21-25 does not support the invention as claimed "wherein at least one of said apparatus is configured to initiate contact with said customer".

The Examiner respectfully disagrees. Saigh is prior art. See Appendix D. The Examiner notes that the feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

Appellant refers to Woolston 265 [sic] a reference not used in the rejections.

As to Ground of Rejection 9, Appellant argues

[Claim 109]... rejection of claim 109 over Saigh... Lockwood... Ferguson is unfounded... Ferguson is not prior art. Applicant's claim is supported no later than June 1994 as established in the above chart. The earliest possible date for the Ferguson reference is November 1994. Ferguson is therefore not prior art for this claim. For at least that reason the claim is allowable.

The Examiner respectfully disagrees. Saigh, Lockwood and Ferguson are prior art. See Appendix D. The feature was rejected by the Examiner and Appellant is

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required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 10, Appellant argues

[claim 139] Applicant asserts...combination [Saigh and Lockwood] is not proper, as at the time of Applicant's invention Saigh was not networked whereas Lockwood was.

The Examiner respectfully disagrees. Saigh and Lockwood are prior art. See Appendix D. The Examiner notes that the feature was rejected by the Examiner and Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 11, Appellant argues

[claim 124]... **Saigh is not prior art....** Saigh column 14, lines 21-25 only supports permitting users to "access the promotional and commercial information including the dynamic viewing electronically of advertising, available discounts, commercials, special promotional events...". It does not support the invention as claimed-"...wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to goods or services to said customer".

The Examiner respectfully disagrees. The combination is proper. Appendix D. The Examiner notes that the feature has been rejected. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

As to Ground of Rejection, 12, Appellant argues

[claim 125] ...rejection over Gifford in view of Ferguson is unfounded...*Ferguson is not prior art.*

Ferguson is prior art. Appendix D. Appellant provides no arguments as to why he feels the combination is unfounded. The feature has been rejected. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

As to Ground of Rejection, 13, Appellant argues

[claim 126] rejection over Gifford in view of Lockwood is unfounded...[combination is improper]

Appellant provides no arguments as to why he feels the combination is unfounded. The Examiner notes that the feature has been rejected. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 14, Appellant argues

[claims 127-129] over Gifford in view of Saigh is unfounded. However, Appellant does not address Gifford and Saigh as a combination.

[Claim 127]Saigh...neither the figure (Fig 1) cited nor anything in his disclosure supports the claimed limitation "wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility".

[Claim 128] ... Saigh...column 24, lines 21-25 does not support the invention as claimed-"wherein at least one of said computerized central communications facilities is configured to contact said customer".

[Claim 129] Saigh...column 14, lines 16-25 does not support the invention as claimed-"wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer".

... rejection of claims 130-132 and 135-137 over Saigh in view of Kaplan/Intouch is unfounded

The Examiner notes that the feature has been rejected. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 15, Appellant argues

[Claim 130] Intouch is not prior art for and Saigh does not teach the invention as claimed....Intouch is not prior art.

In response, Saigh and Intouch are prior art. See Appendix D.

...Saigh cited passage "column 7, lines 5-11" does not support "preview a portion of a pre-recorded entertainment product from a network computerized central communications facility ...", as is claimed. It teaches a point of purchase system, but does not support "previewing from a computerized central communications facility". As established above the only prior Saigh specification used local storage.

In addition, the cited Saigh passages do not support...

[claimed limitations] ...Instead it only teaches permitting a customer to retrieve a list of available titles from the local laser disc as documented above in the analysis of claim 115.

[claimed limitation] (column. 6, lines 4-31)...Instead, it only teaches permitting a customer to retrieve a list of available titles from the local laser disc.

The Examiner respectfully disagrees. Appellant provides no arguments as to why he feels the combination is unfounded. The feature has been rejected. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

Appellant argues

Claim 131 Saigh is not prior art for the invention as claimed. Saigh (column 10, lines 52-61) does not support "allowing the central host server to identify and track the user's progress through the network computerized central communications facility" as claimed...Further, the Saigh specification that predates Applicant's disclosure does not contain the section relied on by the Examiner.

[Claim 132] Saigh is not prior art for the invention as claimed. Saigh (column 14, lines 15-25) does not support "wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to said goods or services to said customer" as claimed...Saigh specification that predates Appellant's disclosure does not contain the "Promotional Delivery System" section relied on by the Examiner...

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Claim 135 Saigh is not prior art for or support the invention as claimed...Neither the figure cited (Fig 1) in Saigh nor anything in his disclosure, supports the limitation "wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility" claimed herein. Fig 1 merely discloses a transactional network without the specific functionality to "select and contact another". In fact, in his only specification that predates applicant's disclosure, Saigh fails to teach enabling the user to contact any central facility and is therefore not prior art...Further, the drawing in question does not appear in Saigh's original 1991 application.

[Claim 136] Saigh is not prior art for or support the invention as claimed...The Saigh cited passage (column 14, lines 15-25) does not support the invention herein claimed "wherein at least one of said computerized central communications facilities is configured to contact said customer". It only teaches the customer contacting the central information bank, not the central facility contacting the customer as here claimed...Further, as above the Saigh specification which predates the Applicant's disclosure does not contain this "Promotional Delivery System" section. Therefore, Saigh is not valid prior art for this claim...

[Claim 137] Saigh is not prior art for or support the invention as claimed. The Saigh cited passage (column 14, lines 15-25) does not support the invention as claimed -"wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer". Again, as above the only Saigh specification which predates inventor's disclosure does not contain this "Promotional Delivery System" section. Therefore, Saigh is not prior art for this claim.

The Examiner respectfully disagrees. Saigh is prior art. See Appendix D.

As to Ground of Rejection 16, Appellant argues

[Claim 133]...rejection of over Saigh and Intouch in view of Ferguson is unfounded. Ferguson is not prior art for the invention as claimed...Applicant's claim is supported no later than June 1994, as above. The earliest possible date for the Ferguson reference is November 1994. Ferguson is therefore not prior art for this claim.

The Examiner respectfully disagrees. Appellant provides no explanation why he feels this way. Saigh, Intouch and Ferguson are prior art and are properly combined. See Appendix D. The Examiner notes that the feature has been rejected. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

Art Unit: 3625

As to Ground of Rejection 17, Appellant argues

[claim 134] rejection...over Saigh and Intouch in view of Lockwood is unfounded. Even if this combination of references is motivated and proper (We do not believe it is as only Lockwood provides information via a network while Saigh and Intouch do so on local storage. These references are therefore incompatible.

Appellant provides no explanation why he feels this way. Saigh and Intouch are prior art and are properly combined. See Appendix D. The feature has been rejected. Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Appellant does not overcome the rejection of the claim.

Appellant argues

...only Lockwood provides information via a network while Saigh and Intouch do so on local storage. These references are therefore incompatible.)

In response, the Examiner notes that both Saigh and InTouch disclose providing information over networks.

As to Ground of Rejection 18, Appellant argues

[claim 138] rejection over Saigh in view of Ferguson is unfounded. *Ferguson is not prior art* for this claim. Ferguson's earliest date is November 1994. In contrast, support Applicant presents above for all claims (including this limitation: "wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers") came from parent application number 08/268,309 filed 6/29/94. Ferguson is therefore not prior art.

The Examiner respectfully disagrees. Saigh and Ferguson are prior art and are properly combined. See Appendix D. Since the feature has been rejected, Appellant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, Appellant does not overcome the rejection of the claim.

As to Ground of Rejection 19, Appellant argues

...double patenting rejection of claim 30 over Wren...AT&T and Dworkin is improper.

Art Unit: 3625

This application is a sibling of the Wren 514 patent (copending). Both are children of the same parent application (Ser. No.08/268,309, filed June 29, 1994) and therefore this application is not subject to the Wren 514 patent other than for claiming the same subject matter.

Each of the claims cited for double patenting by the Examiner differ distinctly from the claims of the 514 patent. For example...Claim 30 of the instant application is not the same as claim 1 of its related 514 patent. It includes the following limitation not found in the 514 patent claim..."wherein at least one of said computerized central communications facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility".

In response, the double patenting rejection is based on a judicially created obviousness. The claims need not be identical. Dworkin discloses periodically update said database in said computerized central communications facility (i.e. new product information)(col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within the '514 patent, upon which Appellant relies for priority, in order to provide a system for locating and purchasing products of interest customers (col. 1, lines 8-12 and lines 63-65).

As to Ground of Rejection 20, Appellant argues

double patenting rejection of claims 108-114 and 130-143 over Wren...Saigh, Ferguson, Intouch and Lockwood is improper.

Applicant's instant application shares the same priority date of his earlier 514 patent. Further, these claims are all patentably distinct from all claims in his 514 patent. For at least these reasons, double patenting does not apply and the claims should not be subject to any such restriction. Specifically...

In conclusion, this application is copending with and therefore shares the same priority date as the Wren 514 patent. The inventions claimed herein are all patentably distinct from those in the 514 patent_ Double patenting is therefore not an issue.

Again, the double patenting rejection is based on a judicially created obviousness. The claims need not be identical. Dworkin discloses periodically update

Art Unit: 3625

said database in said computerized central communications facility (i.e. new product information)(col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within the '514 patent, upon which Appellant relies for priority, in order to provide a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

(11) Related Proceeding(s) Appendix

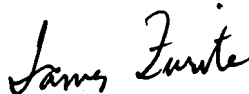
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

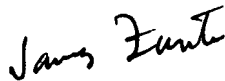
Respectfully submitted,

James Zurita
Primary Examiner

**Conferees:**

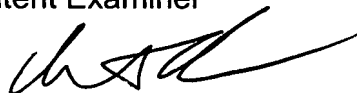
JAMES ZURITA
PRIMARY EXAMINER

James Zurita
Primary Examiner




Jeffrey A. Smith
Supervisory Patent Examiner

Vincent Millin
Supervisory Patent Examiner



APPENDIX A

Related Application

08/268309



SYSTEM AND METHOD FOR FACILITATING TRANSACTIONS
UTILIZING CENTRAL AND REMOTE LOCATIONS

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation-in-part of
 5 copending U.S. applications Ser. No. 08/264,184, filed
 June 22, 1994; Ser. No. 08/051,743, filed April 22,
 1993; and Ser. No. 07/855,099, filed March 20, 1992.

all of which have been abandoned

BACKGROUND OF THE INVENTION

Field of the Invention

10 The present invention generally relates to a system
 and method for communicating between remote facilities
 or locations and, more particularly, is concerned with a
 system and method for facilitating transactions
 utilizing central and remote facilities in concurrently
 15 or nonconcurrently transmitting voice or audio, data,
 and images or optic information or signals. The system
 may then be used to sell, finance, and/or insure goods
 and/or services.

Description of the Prior Art

20 Over the years the marketing of certain financial
 services and in general of all goods and services to
 retail customers, such as auto financing to car
 purchasers at car dealerships, has increasingly been
 hindered by problems experienced by the companies
 25 providing the financial services. In fact these
 difficulties extend to all providers of goods and
 services in reaching their customers. The more serious
 of these problems are high administrative costs, long
 delays in creating and implementing new financial
 30 service products, and complex methods which confound and
 confuse retail sales locations and their customers.

The traditional approach in marketing financial service products has been to offer them at retail sales locations by employees of the retail businesses acting as agents of the financial services companies. One of
5 the consequences of this traditional approach is that each retail sales business is required to have the necessary means for calculating or computing and quoting rather complicated matters, such as payments and premiums, and to be responsible for maintaining computer
10 hardware and software systems independently of and in addition to that at the financial service companies. All too frequently these requirements result in contracts written with wrong amounts and/or terms which later create embarrassment and confusion for the retail
15 sales business when those contracts have to be amended, endorsed, or worse yet completely rejected.

Another consequence of this traditional approach is that in acting as agents of the financial services companies, the employees of the retail sales businesses
20 are often required to be licensed in their state to do so. High turnover rate of these employees can pose a serious problem for these businesses as personnel with such skills are not easy to find. Furthermore, there are considerable costs for the retail sales businesses
25 in maintaining separately these in-house systems or replacing them to keep pace with changing products and regulations.

An ideal system for providing these financial services would be one which overcomes the above-
30 described problems of the traditional approach. Such ideal system would employ the qualified agents or representatives available at the financial services company and its centrally located computer hardware, software, and product information and thereby eliminate
35 the necessity for employees of the local retail sales

business to qualify to act as agents of the financial services company. Elimination of local agents would reduce the incidence of contracts containing errors and save the cost of training such employees. Also, such
5 ideal system would utilize the hardware and software existing at the central financial services company comprising all desirable product information and thereby eliminate the necessity to purchase and maintain at each remote location the hardware and software necessary to
10 process and support the activities of such otherwise remotely located employee agents. Further, such ideal system would employ the expertise of agents at the financial services company and generate the appropriate financial services documents tailored to the particular
15 customer and thereby eliminate the necessity to obtain and maintain the instructional manuals and application forms necessary for carrying out of these activities at each remote location.

The prior patent art reveals two remote transaction
20 systems whose stated objective is to reduce overhead expenses. These remote transaction systems should be considered as possible candidates for offering solutions to the aforementioned problems experienced with the traditional approach of providing financial services.

25 One such system disclosed in U.S. Patent No. 5,231,571 to D'Agostino provides a method of offering financial service products to customers at remote locations by way of representatives at a central location. Accordingly product information is displayed
30 at the customer's terminal as the customer and representative converse.

However, the D'Agostino method requires that the information to be displayed the customer be stored in the computer at the remote facility unlike the preferred
35 embodiment of the present invention where the

information is centralized or stored centrally and thereafter transmitted to the customer at the remote location, making it difficult to correct or modify the information thus shown to customers. Also in storing the information to be displayed to each customer remotely
5 each representative would be required to be licensed to sell such products in each state he might assist a customer and therefore significantly increase the number of required representatives otherwise necessary. In this
10 manner the preferred embodiment of the present invention where such information about goods and services is stored at the central facility can reduce the licensing requirements of the representatives and thus the number of representatives required. Further D'Agostino relies
15 upon static or still motion video images of the representative as displayed to the customer and stored remotely causing a constant need for changes of that information created by turnover of representative staff, unlike the present invention which can store such
20 information centrally or as in another embodiment permit 2way full motion color video images or video conferencing thus eliminating the need of storing any such image, remotely or centrally. In relying upon still motion images of his representatives he has most of all
25 greatly limited the effectiveness of his system as a selling tool as recently 2way full motion video has been proven to greatly and unexpectedly increase product sales offered through such systems or methods such as
30 described in the March 1993 issue of The Banker on page 61. Nor has his method provided for the customer an input means other than verbal thereby chaining the customer to the representative thus giving him no freedom in reviewing product information on his own without the help of the representative as could be
35 permitted with the present invention. He has to the

contrary demonstrably taught against the use of the keyboard as a means of input by the customer at the remote facility and has not provided for any further means of customer input. Also in not permitting the
5 storing of product information other than remotely he has created a captive situation for remote users permitting them to only use the goods and services of a single provider whereas the present invention would with central storage permit each remote facility or location
10 to communicate with an array of central facilities, sort of a public telephone. Thus at best, the D'Agostino method would lead to less than an optimum solution to the problems noted heretofore with the traditional approach to marketing financial service products and all
15 other goods and services.

Another remote transaction system disclosed in U.S. Patent No. 4,845,636 to Walker provides a transaction booth located remotely from an operations center for facilitating a transaction such as the renting of an
20 automobile. The booth and center are connected by audio and video equipment for transmitting and/or receiving audio and video signals between the customer in the booth and the agent at the operations center.

However, the Walker remote transaction system has
25 no means for producing a financial services document or contract at the booth tailored to the specific needs of the customer, nor does it utilize 2way full motion video thereby severely limiting its applications and efficacy by not providing the remote user full motion images such
30 as of the agent or of what might be described as full motion commercials. The present invention furthermore represents a new use as Walker did not anticipate the sale of financing and insurance by any such system nor could he have used his for such. Walker as well fails to
35 provide the user at the remote facility a means of input

other than verbal and as a result as with D'Agostino chains the customer to the representative. Neither does Walker permit each remote facility to communicate with a variety of central facilities thus restricting the
5 variety and competition for goods and services there offered and has therefor created a monopoly. Thus at best, the Walker system would lead to less than an optimum solution to the problems noted heretofore with the traditional approach to marketing financial service
10 products.

Consequently, a need still exists for new and improved systems which facilitate consummation of business transactions utilizing central and remote facilities or locations.

15 SUMMARY OF THE INVENTION

The present invention provides a system and method for facilitating transactions utilizing central and remote facilities or locations which satisfies the
20 aforementioned needs.

The principle object of the system and method of the present invention is to facilitate transactions by customers at remote locations, comprising car, truck, boat and motorcycle dealerships, department stores,
25 public locations such as shopping malls, auction houses, airports, grocery stores, real estate offices where customers may shop for homes and obtain financing all in one place, computer stores, homes, factories, office buildings, and from all public and private locations
30 from which a consumer or customer may wish to obtain product information or perform a transaction. For auction houses a number of the remote locations may be concurrently linked with one or more central facilities or auction houses so that groups of customers at each

remote or local auction facility may participate in the actual auction at one or more distant central facilities or houses. In this fashion auction customers throughout the world may participate at local auction houses in
5 auctions taking place throughout the world so that a customer in Saint Louis may participate and bid in an auction concurrently taking place in Hong Kong or France. In this particular embodiment each customer may be provided his own personal input device permitting him
10 to personally enter his bid during the joint auction session and at the conclusion of a successful bid remit his payment. He may as well be provided a separate monitor or may share a large screen with some or all other attendees. Each customer may be provided a
15 separate recording or printing device to provide the customer a record or receipt of any transaction he may perform.

A number of terminals may be grouped to form an electronic shopping store permitting the customer to
20 obtain desired information on the products of his choice while having access to highly knowledgeable representatives and may also record, print or otherwise, selected information for their later review. For this purpose the customer's monitor may display a tool or
25 icon they may use to control the information to be recorded. Remote facilities may even be portable so that for example they may be used at trade shows such as car shows permitting attendees to obtain more specific information about the products they desire and to
30 execute their purchase and obtain financing. The customer is to communicate with central facilities or locations comprising banks, credit unions and finance companies, a service company representing such companies, manufacturer's offices, or in general any
35 location from which a customer might wish assistance in

facilitating a transaction. The method by which the transactions are facilitated reduces the costs associated with creating, marketing, administering, and selling these products and services, thereby making them
5 more cost effective and affordable.

Another object of the present invention is to further centralize and simplify the responsibilities over these products.

A further object of the present invention is to
10 shorten the time required to create and implement new products in the financial services arena.

An additional object is to provide a wider variety of products to offer customers.

The foregoing objects are accomplished by a
15 transaction system and method where having earlier established communication between the remote and central locations the customer may use the electronic communications facilities and equipment at the remote location to contact a financial services company or some
20 other central facility to facilitate a transaction, such as negotiate the purchase, lease, and contracting of financial services and/or other goods and services. In the preferred embodiment of the present invention a financial services company and its agents who will now
25 be responsible for selling these products to the customers are located centrally and all or substantially all activities of the financial services companies or central facility and its agents are centralized in its state making those products subject at most to the laws
30 of that state and thereby drastically reduce or simplify regulatory constraints and streamline related compliance and business costs such as by having only one computer system used to support the selling and administrative process thus eliminating the need to provide this
35 support including applications software at each

distributed remote location and in having to train only a single centrally located group of individuals who will act as the agents or representatives. Although in the preferred embodiment the customer speaks with only one representative at a time it is further anticipated that the customer may speak with multiple representatives from either the remote or central locations at the same time as in a team sales approach. As it is anticipated that customers will speak a variety of languages it will be necessary for presentations and representatives thus provided to be based in the language of the customer; whether it be English, Spanish, French, German, Japanese, or any other desired language. This approach might include utilization of personnel at the remote facility to collectively assist the customer. Also in the preferred embodiment the financial services company or central facility will have no physical presence at the remote facility meaning they may not advertise in any fashion such as on radio, television, or in magazines in the state of the remote facility or by placing or storing product information such as sales materials or literature at the remote facility itself. This would require storing all product information at the central facility so that all activities including product information about these goods and services are then centralized at the central facility. It should be understood however that certain information may be stored at remote facilities such as directories of facilities for dialing purposes or a data base of providers of goods and services arranged by category of business or products offered such as in the Yellow Pages phone directory. In that sense an electronic phone book may be stored at the remote facility or instead upon pressing or utilizing the touch screen, keyboard or input device the customer may activate the system

causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select another central facility from a displayed list or catalogue and
5 establish contact with it and thus have access to numerous central facilities and a myriad of goods and services. While in general all or substantially all application software will be located at each central facility, such as programs which will prompt the
10 customer for input, choices, or preferences so that the customer will contact the central facility and then indicate his choices or preferences; it may also be beneficial to download certain software from the central facility to the remote location to provide proper
15 control and support for the customer such as by means of appropriate communications software or operating systems. This would provide for the simple updating of any needed communications or other remote located software at the remote facility and ensure that each
20 remote location will be compliant with future standards of communication and protocol based upon changing needs and industry standards. Such downloaded software may be stored temporarily at the remote facility to be used only in the current session or may be retained for all
25 or selected future sessions. It may also be beneficial to quickly download a catalogue of desired or requested information to permit the customer to review leisurely while terminating the communication link to reduce connect charges or free utilization of the central
30 facility's resources. The customer may then reestablish contact with the previous or a new representative and central facility when he is ready. To facilitate such a technique the remote or central location may record the stopping point of the customer's last on-line
35 presentation so that when contact is resumed an

appropriate presentation continuing point may be
ascertained. An alternative would be to allow the
customer to enter any phone number he might wish to dial
while accepting a credit card, debit card, or calling
5 card where the customer is to pay or be charged for any
phone, connection, or use charges that will be incurred.
In this fashion the customer is to be charged for the
use of the equipment or transmitting means. The system
could thus provide a means to read these cards such as
10 by card swipe reader or any other approximate equivalent
means and can as well be used to later tender payment
for goods and services purchased. In this sense the
system could be used as a sort of public telephone to
transmit and obtain information about any goods and/or
15 services the customer might desire from any central
location anywhere in the world.

The ability to pool agents for distributed use
among all retailers or providers will as well eliminate
any possible negative effects illness or attrition may
20 have on any individual retailer. The reduction in costs
associated with these products will then help create a
greater variety of more competitive products for
customers more likely to meet each customer's specific
needs with greatly reduced overhead costs allowing the
25 products to be much more competitive with other products
and services and eventually lead to further sales of
these products and thus expand their industries. The
reduced capital requirements would also encourage
smaller companies to compete. Many smaller companies
30 currently concentrate on specific states or regions as
they do not have the resources to develop products for
many states. The result would be increased competition.

BRIEF DESCRIPTION OF THE DRAWINGS

In the following detailed description, reference will be made to the attached drawing in which:

Fig. 1 is a block diagram of an array of
5 electronics communications components employed in a system and method for facilitating transactions in accordance with the principles of the present invention.

DETAILED DESCRIPTION OF THE INVENTION

The preferred embodiment of a system 10 and method
10 for facilitating transactions in accordance with the principles of the present invention will now be described in detail. The transactions facilitating system 10 includes at least one central facility 12, such as a financial services company, marketer, or
15 manufacturer and at least one remote facility 14, such as a retail sales facility, or any other public or private location from which a potential customer of the central facility 12 may wish assistance in facilitating a transaction. For instance, the remote facility 14 can
20 be retail sales facility, such as car, truck, boat and/or motorcycle dealerships. The central facility 12 can be a financial services facility, such as a bank, credit union or a finance company or any other central facility from which a customer may wish assistance in
25 facilitating a transaction.

In the illustrated case of financial services, the system 10 facilitates the carrying out of activities such as financial business transactions in accordance with the principles of the present invention by
30 employing an array of means for transmitting and/or receiving information comprising visual, audio, and/or

data between the financial services facility or location
12 and a customer at one of the respective remote
facilities or locations 14. The financial services
facility 12 offering the goods and/or services or
5 assistance in facilitating such a transaction is
established at a central location. Each retail sales or
remote facility 14 is sited at a given remote location
where potential customers are located whether stationary
or portable. In this respect the system may be used to
10 execute a transaction between the customer and the
central facility or it may only provide assistance to
the customer in his selection of goods and services
which a local or remote facility are to thereafter
provide.

15 At the remote retail sales facility 14 an area is
established where an array of electronic communications
equipment is provided in accordance with the present
invention for transmitting and/or receiving information
comprising visual, audio, and data about financial
20 services or other goods and services between the central
financial services facility 12 and the customer at the
remote facility 14. More particularly, as seen in Fig.
1, such array of electronic communications equipment
includes a modem 16, a digital computer 18, a speaker
25 phone 20 or other means of conveying sounds, a monitor
22 or other means of conveying images, a printer 24 or
other means for recording signals or information
conveyed from the company 12, and a keyboard or input
device 26. It is anticipated that a handset rather than
30 a speaker phone or external speaker may be used in
instances where a customer wishes to speak privately
with a representative. For an application of this system
in homes the input device could be a television remote
control device perhaps with alterations comprising
35 cursor movement keys, a joystick, or a microphone for

voice input. In recording this product information the customer may then save or take the desired information with him for his later review which might comprise instructions for use, operation, or assembly and may
5 include a list of suggested products or services as advised by the live representative or by the central facility computer. Such information might be recorded on paper, magnetically such as upon a cassette, video tape, computer disc, CD, or a chip embedded or smart card, or
10 by some other means. Comparably the central facility may record the transaction for later retrieval so the customer may continue where he left off at a later date should his interest renew or for identification purposes or for possible assistance in resolving disputes. Other
15 means to verify identification of the customer may be used comprising magnetically encoded badges or cards, or the use of eye or finger scanning devices. Additionally, a mail bag 28 or other means for remitting payment or documents is provided at the remote facility 14.

20 For communicating with the customer at the remote retail sales facility 14, a complementary array of electronic communications equipment is located at the financial services facility 12 or central location. As seen in Fig. 1, this equipment includes a modem 30, a
25 digital computer 32 or other means for processing information, instructions or data, a phone 34 or other means for voice exchange or audio transmission, a monitor 36 and a keyboard or other input device 38. Only a complementary printer is not needed at the
30 financial services facility 12 for the purpose of facilitating transactions in accordance with the present invention. Preferably, two separate phone lines 40, 42 are available to interconnect the respective phones 20, 34 of the facilities 14, 12 simultaneously with, but
35 separately from, the interconnection of the respective

modems 16, 30 of the facilities 14, 12 so that voice or audio, visual, and data communication can be ongoing concurrently between the customer at the remote facility 14 and an agent at the financial services facility 12.

5 Alternatively such contact may be established by coaxial cable such as through a cable company or some other means of establishing contact or by means of some wireless technology such as radio. Each of these components of the respective electronics communications
10 equipment at the respective facilities 12, 14 is per se a conventional off-the-shelf item and thus it is not necessary to describe such components in any further detail.

At the remote facility 14, the customer of the
15 retail sales facility 14 and/or of the financial services facility 12, is escorted to the area where the above-described array of electronics communications equipment of the retail sales facility 14 is provided. The customer presses an auto dial button 44 on the
20 speaker phone 20 or uses his input device such as a touch screen to select a central facility to contact from a list displayed on his monitor and in doing so establishes contact with the financial services company 12 and perhaps its agent by way of some means of
25 transmitting data, audio, and/or visual information comprising telephone or videophone thus permitting the simultaneous or concurrent transmitting of audio, video, and data as the customer and representative speak with one another or establish voice contact and while the
30 representative provides the customer with information about goods and/or services. At that time the customer may automatically review established presentations to better prepare him for a session with a representative and to educate the customer on the goods and services he
35 is about to consider or at the customer's wish he may

bypass these introductory presentations and immediately direct the session or request personal assistance from a representative. As an alternative the customer may establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode where he may browse through databases of goods and services. The speaker phone 20 as contemplated herein is intended to encompass other comparable devices, such as a videophone or the like, where in addition to 2-way verbal contact the customer can establish 2-way or 1-way visual contact with the agent. Concurrently or subsequently the remote terminal may transmit its phone number, serial number, or identification code to the central facility so as to identify itself and thus satisfy any future administrative needs of the central facility should for example a break in communications occur and the need arise to reestablish contact with the specific remote facility and its customer. In this respect it will be necessary for each remote location to store this serial, phone, or station identification number for future transmittal. While in the preferred embodiment the customer at the remote facility initiates contact with the central facility it is contemplated that the central facility or its representative may have occasion to initiate contact with a given remote facility. An example would be for use in a public or private location where the central system would contact the remote facility to apprise potential customers of goods and services offered. In a public location such as at a mall a remote terminal may perform for customers who pass and prompt them to press the screen to obtain specific information.

Having established contact the customer and agent then speak with one another by way of the phones 20, 34

of the respective facilities 14, 12. Concurrently, the agent by using his or her digital computer 32, monitor 36, keyboard 38 or other input device and modem 30 establishes electronic contact with the customer's modem 5 16, digital computer 18, monitor 22 and printer 24 if such contact has not already been established by the customer by means of a single telephone or communications line, or wireless means to transmit and provide helpful audio, video, and data information to 10 the customer about the transaction being proposed for the customer by the financial services facility 12. Such information can take the form of charts and the like displayed on the monitor 22 or printed on a sheet of paper by the printer 24. It may comprise audio and 15 visual information related to those goods and services of interest to the customer and may contain any desired sales or product information such as product specifications, service data, published articles, product demonstrations, orchestrated presentations, 20 sales literature such as you might find in a brochure or catalogue, possible uses, compatibility, styles, selection, availability, comparisons to other products or services, published articles on products or services; product features, compatibility, or requirements. In the 25 case of financial instruments or investments, information might comprise expected profit or margins, past performance of like products, maturity dates, terms, conditions, exclusions, limitations, and exceptions. In the case of automobiles or other durable 30 goods information might comprise models, styles, expected life, efficiencies, colors, capacities, maintenance requirements, options, comparisons between models, published articles on products or excerpts of, pictures of products (still and full motion of product 35 as in its various uses), testimonials of products,

commercial, or infomercials. Information for home users when purchasing or renting movies, music, or other forms of entertainment might comprise: ratings, titles, product descriptions, artists or actors, articles
5 written by critics or excerpts of, short segments of music or movie (samples or previews), lists of products available and in general any audio or visual information a customer might wish to know including quote, price, or
10 quote, binder, or price. As an assistance to any attendant or representative at the central facility that same or related product information may be displayed on the representative's monitor at the central facility to aid in his assisting the customer. The digital computer
15 18 stores suitable well-known off-the-shelf operations, communications and perhaps graphics software programs in its memory and is operational to translate the signals, electronic or otherwise, caused to be transmitted from the financial services facility 12 into such displayed,
20 audio reproduced, recorded, or printed information. An example of a suitable communications program is one commercially available under the trademark Carbon Copy thus permitting or enabling the representative to control the equipment at the remote facility and
25 permitting the customer to retrieve and access information about goods and services stored at the central facility. An example of a suitable graphics program is one commercially available under the trademark Harvard Graphics which may be used to
30 reconstruct digitally transmitted information back into visual images.

Thus, the agent residing at the central financial services company 12 has the ability to control the above-described electronic communications equipment in
35 the presence of the customer located at the remote

facility 14. The agent is thereby able for example to display any desired information at will on the customer's monitor 22 or to print any information at will on the customer's printer 24. The customer may
5 respond verbally to central facility prompts initiated by the representative or the central facility equipment via the speaker phone 20 or by using his or her keyboard 26 or other input device or some other means to convey customer supplied information. Such an input device is
10 anticipated to comprise a touch screen permitting the customer to press a screen displayed icon to supply his choices or input, and voice activated response or voice recognition input permitting him to speak his responses, selections, or data input. Personal data to be supplied
15 by the customer may be voice inputted or supplied by other appropriate means comprising retrieved from a personal data card supplied by the customer by means of a magnetic reader or other comparable device capable of retrieving information thus stored and the system may
20 then permit the customer to update or correct any information provided. The system may also utilize voice synthesis to prompt or present options to the customer and may be used in tandem with visual prompts. In this fashion the customer may at his leisure and without the
25 assistance of the representative review any desired information about those goods and services he is most interested in with complete privacy yet may by way of his input device request a representative at his will should he desire personal service. In this fashion the
30 customer may serve himself should he wish or if preferred he can sit back and let the representative fully control the presentation. The transmitted presentation may utilize a well known spokesperson and give the appearance of a commercial or infomercial. On
35 his own the customer may back up, fast forward, skip, or

jump to the specific product information he wishes at his command. His access to this information would be described in the computer industry as random.

Information may be provided at various levels of detail through a technique known as hypertext. The customer may thus review a summary of specific information and at his request or command receive a level of information of greater detail. One such method of accomplishing the summoning of the representative would be to provide an icon or tool on the customer's monitor which he may press or select at any time which in turn causes the system to summon or ring a centrally or alternatively remotely located representative to personally assist the customer.

Additionally a security feature could be installed to protect customers or the remote system from vandalism. Here the user would be required to present his credit card or other ID to obtain entry into a locked facility containing the terminal.

In providing the customer an input means we have permitted greater utilization of the representative's time and allowed the customer to only be assisted as he wishes. However it would be beneficial to monitor the customer's activity to signal when an appropriate time might be for the representative to voluntarily offer assistance should the customer become confused or lost. An application of a computer technique referred to as artificial intelligence would help identify the occurrence. Such a situation would be indicated by a customer's repeated review of the same information or lack of command to the system within a given period of time. When appropriate the agent can then command the customer's printer to create or print needed contracts and documents (comprising loan application papers, a notice of proposed insurance, an insurance

binder, an insurance application, receipts, etc.). The agent can also display his or her own image in a corner of the customer's monitor 22 as a courtesy by using an appropriate communications program and a graphics file produced from the agent's photograph with a conventional image scanner.

In combination with the application for a loan or the presentment of a credit card or some other payment instrument the central facility perhaps under the direction of the representative or under control of the central facility's application software may initiate a credit check to determine the customer's credit worthiness or qualify the customer so as to approve the intended purchase. The central facility may itself store credit or check approval information for each prospective customer or may communicate with a third party such as TRW and exchange appropriate and necessary information on the customer while the customer waits at the remote facility to obtain the necessary credit history in order to process and approve the customer's request. Should the result of the check be negative, the representative may converse with the customer to perhaps arrange for alternate means of payment. Having qualified the customer the central facility may in the event of a loan request conduct the necessary risk evaluation, manually or electronically by means of algorithms to determine loan approval. A similar approach may be taken for insurance requests. The customer may respond to questions regarding his medical history and based upon a search of medical history either at the central facility or at a third party such as the Medical Information Bureau determine the insurability of the customer and insurance approval. While in the preferred embodiment the final approval for loan or insurance would be made upon the customer remitting completed forms either

electronically or by mail or some other means it should be understood that having performed the necessary medical or credit check the central facility may immediately approve the customer's application or
5 request for insurance or credit and commit itself. During the solicitation process the central facility may record and store the presentation for beneficial purposes such as to meet regulatory requirements for proof of disclosure as when selling insurance, loans, or
10 investment instruments comprising stocks, bonds, annuities, and mutual funds.

Once the contracts are printed out the customer is directed to sign them and personally place them and any required payment (check) in a mail bag 28 located at the
15 retail sales facility 14. A binder may be issued upon the customer signing applications for financial services and mailing them so he may take possession of any purchased goods or merchandise in contemplation of the financial services companies accepting the applications and performing final execution of the contracts in the
20 home sovereign. In the application of entertainment the possession may include the presentment of recorded performances or programming to the customer such as may be transmitted or in some otherwise fashion conveyed to
25 the customer. Alternatively, some other means of remitting payment and any completed contracts to the agent can be used such as electronically where the customer may for example endorse an electronic signature box displayed on his monitor by means of an electronic
30 pen or other comparable device and subsequently transmit by modem the electronic contracts back to the central facility or by some other electronic means to permit the customer to legally apply for contracts perhaps comprising the faxing or transmitting of a signed
35 contract from the remote to the central facility.

Another version of the invention would utilize a full blown video conference center providing a large screen, perhaps wall sized, 2 way color video and audio device in addition to a remote printer used to generate or print documents for the prospective customer. In this fashion the customer would be placed in a theater like environment so he may comfortably view any desired product information by means of full motion, full color, audio/visual presentations. Images may be displayed by holograms or similar 3 dimensional means to give life and form to goods or services sold.

Alternatively the video may be 1 way or nonreciprocal versus 2 way or reciprocal should the customer prefer to not be on camera. It may as well be monochrome as opposed to color where preferable such as when communication resources are not available to achieve full color video. To put the customer at ease at the start of each session the customer's monitor may display his own image permitting him to make any grooming adjustments he may wish and in doing so better put his mind at rest.

Although the system 10 has been described with reference to financial services, the concept of the present invention is not so limited. It may be used to sell or assist in selling all goods and services comprising cars, boats, motorcycles, vacations, travel packages, investments, furniture, real estate, service contracts, product warranties, entertainment, financial services, and all other goods or services a customer might desire to remote customers whether or not financed or insured such as at a consumer goods store where customers use the system to select and transact their purchase. Such a system would be of great benefit to an employment agency or head hunter who might then record interviews with a selection of employee candidates for

presentation purposes permitting prospective employers to browse the catalogue of candidates in quickly narrowing and finalizing their recruiting search. In this sense the system would serve as an expert system
5 allowing the customer to obtain knowledgeable assistance from a central facility and its salesperson or representative. This would be especially beneficial for customers of retail stores which sell large ticket items or complicated products which require or benefit from
10 highly or moderately skilled sales people. This would respond to a common complaint that few stores have knowledgeable staff. The customer may then select and pay for his purchase at the terminal and take possession of his goods upon leaving. In using the equipment in
15 this fashion the provider of the equipment may charge the customer a fee for use of the system and its services for which it may then provide the customer with a printed coupon, rebate or voucher for free goods or services, or an equivalent or partial discount should
20 the customer purchase his goods or services at that remote location during an unlimited or limited future period of time.

It can now be readily seen that the system 10 of the present invention accomplishes its first object
25 identified above by centralizing the administration and selling of products and thereby substantially reduces the costs associated with creating, marketing, and administering these products and services. The system 10 also accomplishes its second object identified above
30 by consolidating all management activities of the financial services products with the central office. The primary or only task of the retail sales location in the preferred embodiment is to refer the customer to the equipment at the remote location. Hence, all possible
35 responsibilities are centralized permitting better

control and simplifying ongoing management. With the great reduction in costs associated with developing and administering new products it is now possible, that is affordable, to develop a greater variety of products which are then more likely to fit the needs of specific customers. The third object is achieved as new product supporting materials, such as computer programs and other sales materials, are now centralized and it is no longer necessary to train an army of outside staff to sell and support the new products, giving the financial services company or other provider of goods and services more control as well on the sales process.

The foregoing description of the preferred embodiment of the invention has been presented for the purposes of illustration and description. It is not intended to be exhaustive or to limit the invention to the precise form disclosed. Many modifications and variations are possible in light of the above teaching. It is intended that the scope of the invention be limited not by this detailed description, but rather by the claims appended hereto.

CLAIMS

I claim:

1. A system for transacting business utilizing remote and central locations, comprising:
means for transmitting and/or receiving information between said remote and said central locations;
wherein said means for transmitting comprises at least one input means;
means of centralizing information about goods and/or services;
means of establishing communication between said

- remote and said central locations;
means of using equipment at a remote location to
establish contact with a central location for
facilitating a transaction;
5 means of providing helpful information to a
customer about the transaction being proposed;
wherein said means of providing helpful information
comprises a means of transmitting information
about goods and/or services from said central
10 location to said remote location;
wherein said customer is to be charged for the use
of said transmitting means and;
at least one of the following:
means of enabling a representative residing at
15 said central location to control said
equipment at said remote location;
means of said customer establishing voice
contact with a representative at said
central location wherein said
20 representative provides information about
goods and/or services;
means of providing an input device at said
remote location wherein said customer
utilizes said device.
- 25 2. The system of claim 1 further comprising means to
remit payment.
3. The system of claim 1 further comprising means of
conveying customer supplied information.
4. The system of claim 1 further comprising means for
30 remittance of documents.
5. The system of claim 1 further comprising at least

one from the following list:

means to reduce regulatory constraints, thereby
reducing the required representatives;

means for input at the central location;

5 means to remit payment;

means for remittance of documents;

means of conveying customer supplied information
and;

~
10 wherein said communication is provided by a video
conference wherein said video has one of the
following attributes:

reciprocal

non-reciprocal,

and one of the additional following attributes:

15 color

monochrome.

add A17

ABSTRACT OF THE DISCLOSURE

5 A system and method for transacting business
utilizing remote and central locations. Each of the
locations has an array of electronic communications
equipment for communicating information about goods and
services comprising audio, video, and data between an
agent at the central location and a customer at the
remote location.

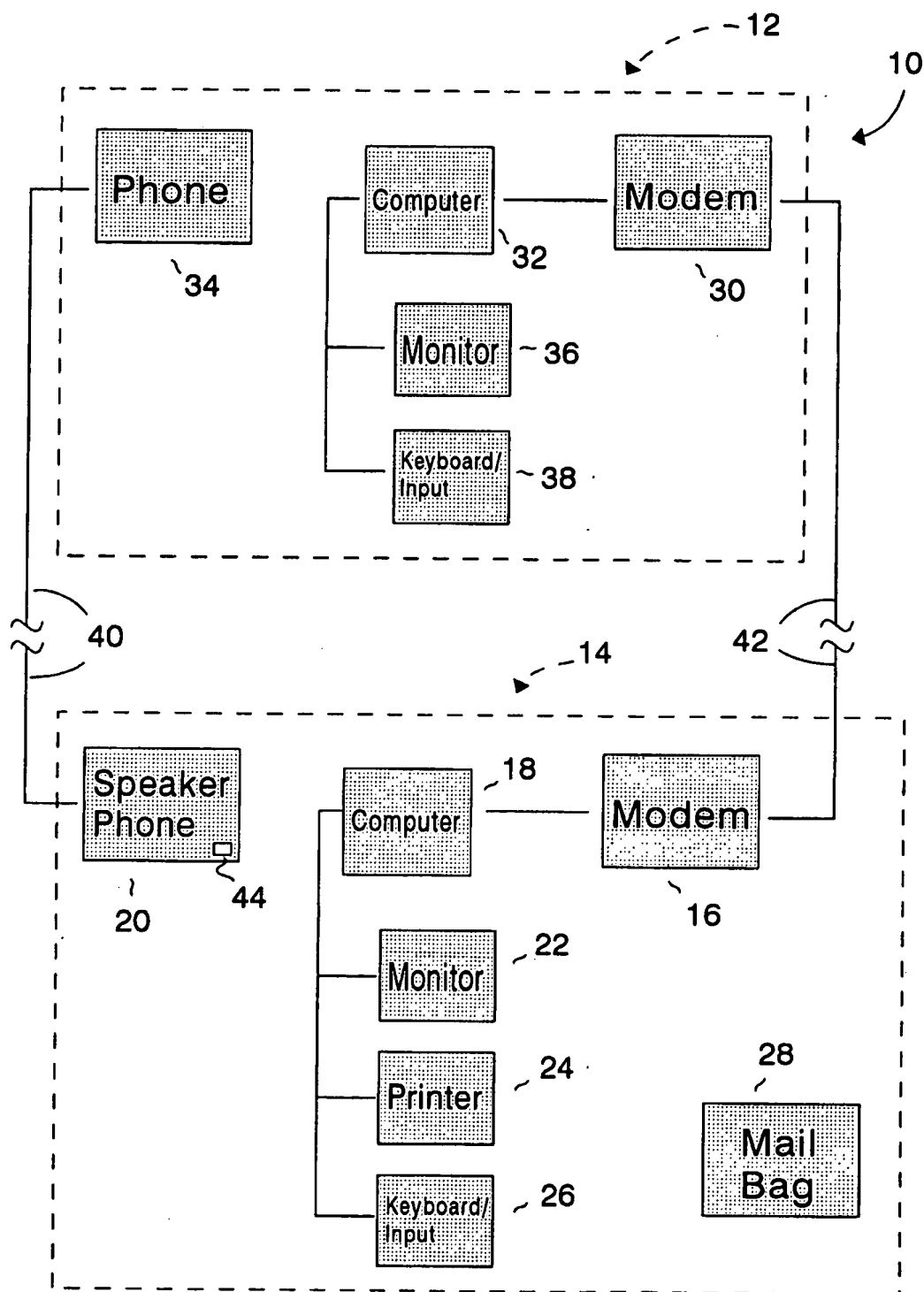


Fig. 1

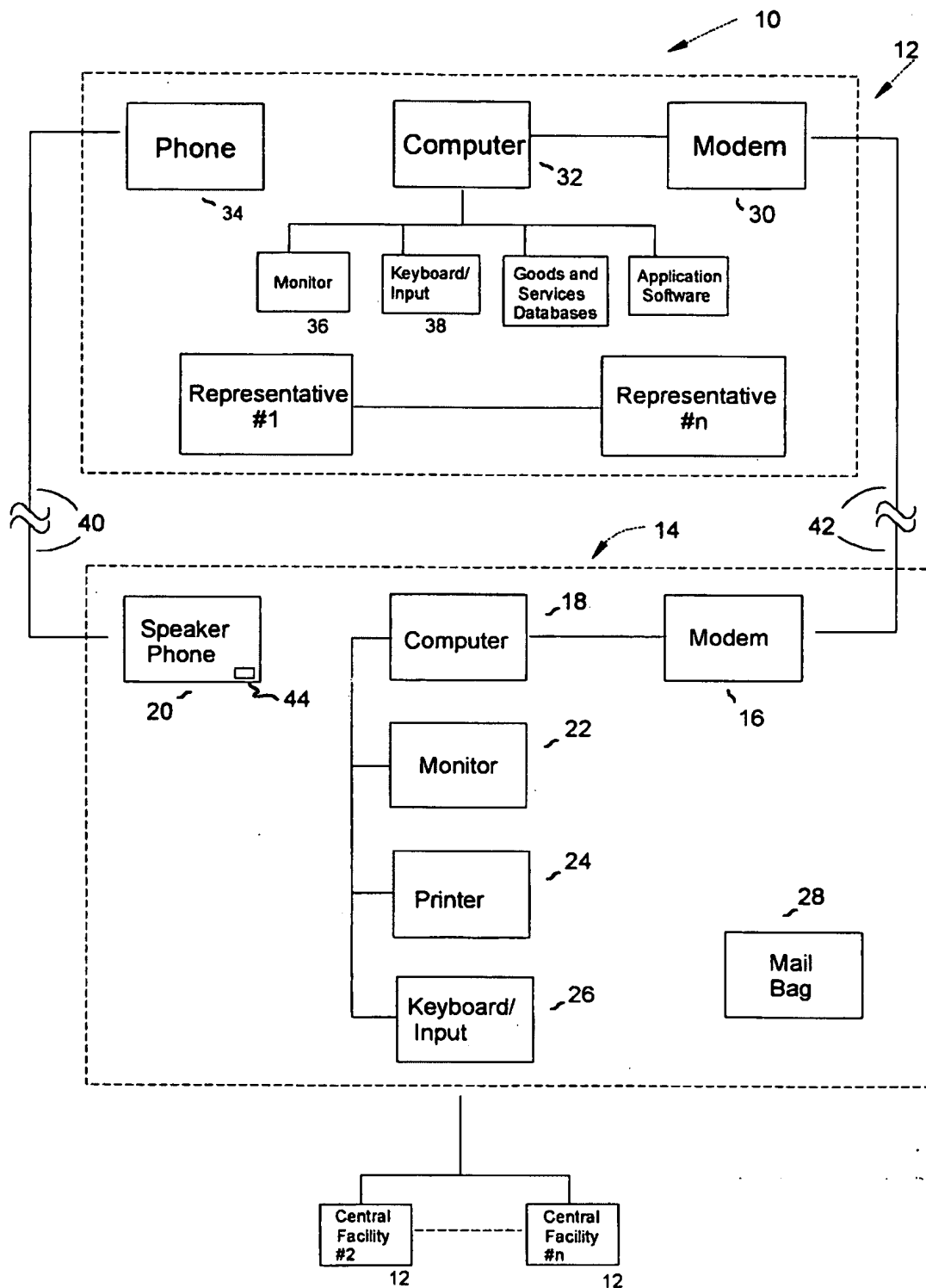


Fig. 1

3/29/1996

08-268309

APPENDIX B

Related Application

08/668561



375-201-A
08/668561

SYSTEM FOR MARKETING GOODS AND SERVICES UTILIZING COMPUTERIZED
CENTRAL AND REMOTE FACILITIES

Cross Reference to Related Applications

5 This application is a continuation-in-part of copending
U.S. application Ser. No.08/268,309, filed June 29, 1994, ^{now ABANDONED} which
is a continuation-in-part of application Ser. No.08/264,184,
filed June 22, 1994, ^{now ABANDONED} which in turn was a continuation of
application Ser. No. 08/051,743, filed April 22, 1993, ^{now ABANDONED}
Application Ser. No. 08/051,743 was itself a continuation-in-part
10 of Ser. No. 07/855,099, filed March 20, 1992, ^{now ABANDONED} all of which are
incorporated herein by reference. The application herein is
copending with Ser. No. 08/650,834, filed May 20, 1996, ^{pending} which is
also a continuation-in-part of copending U.S. application Ser.
No.08/268,309, filed June 29, 1994, ^{now ABANDONED}

15

Field of the invention

The present invention generally relates to a system and
means for establishing a communicating link between remote
facilities. More particularly, the invention is concerned with a
system and means for facilitating transactions between central
20 and remote facilities utilizing electronic communications devices
and computing equipment for concurrently or nonconcurrently
transmitting voice, music, audio, data, images, video, and optic
information on goods and services, and/or signals. Such systems
will be used to market, sell, finance, and insure goods and/or
25 services.

Description of the Prior Art

Over the years the marketing of certain financial services
and in general of all goods and services to retail customers,
such as auto financing to car purchasers at car dealerships, has
30 increasingly been hindered by problems experienced by the
companies providing the financial services. In fact these

difficulties extend to all providers of goods and services in reaching their customers. The more serious of these problems are high administrative costs, long delays in creating and implementing new financial service products, and complex methods which confound and confuse retail sales locations and their customers.

The traditional approach in marketing financial service products has been to offer them at retail sales locations by employees of the retail businesses acting as agents of the financial services companies. One of the consequences of this traditional approach is that each retail sales business is required to have the necessary means for calculating or computing and quoting rather complicated matters, such as payments and premiums, and to be responsible for maintaining computer hardware and software systems independently of and in addition to that at the financial service companies. All too frequently these requirements result in contracts written with wrong amounts and/or terms which later create embarrassment and confusion for the retail sales business when those contracts have to be amended, endorsed, or worse yet completely rejected.

Another consequence of this traditional approach is that in acting as agents of the financial services companies, the employees of the retail sales businesses are often required to be licensed in their state to do so. High turnover rate of these employees can pose a serious problem for these businesses as personnel with such skills are not easy to find. Furthermore, there are considerable costs for the retail sales businesses in maintaining separately these in-house systems or replacing them to keep pace with changing products and regulations.

An ideal system for providing these financial services is one which overcomes the above-described problems of the traditional approach. Such ideal system will employ the qualified agents or representatives available at the financial services company and its centrally located computer hardware,

software, and product information and thereby eliminate the necessity for employees of the local retail sales business to qualify to act as agents of the financial services company. Elimination of local agents will reduce the incidence of
5 contracts containing errors and save the cost of training such employees. Also, such ideal system will utilize the hardware and software existing at the central financial services company comprising all desirable product information and thereby eliminate the necessity to purchase and maintain at each remote
10 location the hardware and software necessary to process and support the activities of such otherwise remotely located employee agents. Further, such ideal system will employ the expertise of agents at the financial services company and generate the appropriate financial services documents tailored to
15 the particular customer and thereby eliminate the necessity to obtain and maintain the instructional manuals and application forms necessary for carrying out of these activities at each remote location.

The prior patent art reveals two remote transaction systems
20 whose stated objective is to reduce overhead expenses. These remote transaction systems should be considered as possible candidates for offering solutions to the aforementioned problems experienced with the traditional approach of providing financial services.

One such system disclosed in U.S. Patent No. 5,231,571 to D'Agostino provides a method of offering financial service
25 products to customers at remote locations by way of representatives at a central location. Accordingly product information is displayed at the customer's terminal as the
30 customer and representative converse.

However, the D'Agostino method requires that the information to be displayed the customer be stored in the computer at the remote facility unlike the preferred embodiment of the present invention where the information is centralized or stored

centrally and thereafter transmitted to the customer at the remote location, making it difficult to correct or modify the information thus shown to customers. Also in storing the information to be displayed to each customer remotely each representative will be required to be licensed to sell such products in each state he might assist a customer and therefore significantly increase the number of required representatives otherwise necessary. In this manner the preferred embodiment of the present invention where such information about goods and services is stored at the central facility can reduce the licensing requirements of the representatives and thus the number of representatives required.

Further D'Agostino relies upon static or still motion images of the representative as displayed to the customer and stored remotely causing a constant need for changes of that information created by turnover of representative staff, unlike the present invention which can store such information centrally or as in another embodiment permit 2way full motion color video images or video conferencing thus eliminating the need of storing any such image, remotely or centrally. In relying upon still motion images of his representatives he has most of all greatly limited the effectiveness of his system as a selling tool as recently 2way full motion video has been proven to greatly and unexpectedly increase product sales offered through such systems or methods such as described in the March 1993 issue of The Banker on page 61. Nor has his method provided the customer an input means thereby chaining the customer to the representative thus giving him no freedom in reviewing product information on his own without the help of the representative as the customer can with the present invention. He has to the contrary demonstrably taught against the use of the keyboard as a means of input by the customer at the remote facility and has not provided for any further means of customer input.

Also in not permitting the storing of product information

other than remotely he has created a captive situation for remote users permitting them to only use the goods and services of a single provider whereas the present invention will with central storage permit each remote facility or location to communicate with an array of central facilities, sort of a public telephone. Thus at best, the D'Agostino method leads to less than an optimum solution to the problems noted heretofore with the traditional approach to marketing financial service products and all other goods and services.

Previous art in the field limited use of a given customer facility to a single provider. In the present invention it is contemplated that customers can use the remote facility devices to contact multiple providers of goods and services. There are 2 advantages to this aspect. The first is that in permitting remote locations to communicate with multiple central facilities, providers are able to share the costs of the remote facility equipment. Previously the cost of the equipment at the remote location was prohibitive so that the system's use was impractical for all but a few select applications.

The second advantage is the greater number and selection of goods and services available to customers. Since providers will be able to share the cost of the remote equipment more providers will be encouraged to participate and an even greater variety of products will be offered. The difference between the present invention and the prior art therefore is comparable to a grocery store with only one brand of soft drink as opposed to an aisle with an assortment of beverages. The reduction of expense for each provider will thereby encourage providers to use these systems as a low cost means of providing for the marketing and sales of their products to the public. These savings can in turn be passed along to their customers. Multiple companies can then share the expense of the equipment at the remote location. This method also as above improves the competition for the products offered at the remote location, breaking the monopolistic model

of the previous art.

Another remote transaction system disclosed in U.S. Patent No. 4,845,636 to Walker provides a transaction booth located remotely from an operations center for facilitating a transaction such as the renting of an automobile. The booth and center were connected by audio and video equipment used for transmitting audio and video signals from the customer in the booth to the agent at the operations center in order to negotiate a transaction. The customer in this instance knew what he wanted. He was not shopping, but merely seeking to effect a predetermined transaction.

However, the Walker remote transaction system has no means for producing a financial services document or contract at the booth tailored to the specific needs of the customer, nor does it utilize 2way full motion video thereby severely limiting its applications and efficacy by not providing the remote user full motion images such as of the agent or of what might be described as full motion commercials. The present invention furthermore represents a new use as Walker did not anticipate the sale of financing and insurance by any such system nor could he have used his for such. Walker as well fails to provide the user at the remote facility a means of input and as a result as with D'Agostino chains the customer to the representative.

Neither does Walker permit each remote facility to communicate with a variety of central facilities thus restricting the variety and competition for goods and services there offered and has therefor himself created a monopoly. Thus at best, the Walker system leads to less than an optimum solution to the problems noted heretofore with the traditional approach to marketing financial service products.

Consequently, a need still exists for new and improved systems which facilitate consummation of business transactions utilizing central and remote facilities or locations.

Objects of the Invention

An object of this invention is to provide a system and method for facilitating transactions utilizing central and remote facilities or locations which satisfies the aforementioned needs.

5 Another object of the invention is to facilitate transactions by customers at remote locations, for instance, car, truck, boat and motorcycle dealerships, department stores, public locations such as shopping malls, auction houses, airports, grocery stores, and real estate offices.

10 Another object of the present invention is to further centralize and simplify the responsibilities over these products.

A further object of the present invention is to shorten the time required to create and implement new products in the financial services arena and all others.

15 An additional object is to provide a wider variety of products to offer customers.

Summary of the Invention

The system for marketing goods and services herein includes a customer computerized communications facility, a central
20 computerized communications facility remote therefrom, and a data link between them. This invention is an improvement in that system which includes:

computer means at both the customer computerized communications facility and the central computerized communications facility,
25 adapted to transmit and receive images and data between them; means for additionally establishing voice contact between the two communications facilities; software stored at the central computerized communications facility adapted to provide goods and services information; input means at the customer computerized
30 communications facility adapted to enable a type of customer who is uneasy using a computer to access that software in order to view a presentation adapted to educate the customer about the goods and services; input means adapted to enable a type of

customer enjoying computers to access the software in order to
bypass the presentation, and, in a self-service mode, to browse
in the software to view desired information to learn about goods
and services at his desired level of knowledge; means enabling
5 both types of customers at any time they desire personal
assistance to utilize the means establishing voice contact to
talk to a representative at the central computerized
communications facility; application software located at the
central computerized communications facility enabling either type
10 of customer to download from the central facility to the customer
computerized communications facility information desired by the
customer; and input means located at the customer computerized
communications facility enabling the customer to access
application software located at the central computerized
15 communications facility.

Further, the information regarding the goods and services
obtained by the customer includes accompanying voice narration.

The input means at the customer computerized facility and
the application software at the central computerized facility
20 enable customers to search for goods according to model,
manufacturer, and marketer of the goods.

The input means at the customer computerized facility and
the application software at the central computerized facility
enable customers to search for a predetermined selection of
25 goods.

The application software at the central computerized
facility enables the customer to download instruments finalizing
a transaction relative to the goods and services.

The application software at the central computerized
30 facility includes a subroutine for charging customers for their
use of personal assistance.

The application software at the central computerized
facility includes a subroutine for charging customers for each
instance a customer is shown product information.

The application software at the central computerized facility includes a subroutine requiring customers to view a specified amount of product information in return for being granted a specified amount of use of the system.

5 The application software at the central computerized facility includes a subroutine providing the customer an electronic phone book containing a directory of providers and goods available.

10 The application software at the central computerized facility includes a subroutine which builds a general customer profile based upon customer's requests for information.

15 The application software at the central computerized facility includes a subroutine permitting a plurality of customers at different computerized locations to view simultaneously the same presentation and to speak to each other during said presentation, the presentation being under the control of one of the customers.

20 Means are provided for control of the system to alternate between the individuals so that at times a first customer can control the presentation while at another time a second or other customer can assume control.

The central facility is a service company representing the provider of the goods or services.

25 A representative is located at the central computerized facility and that representative is an agent for the provider of the goods and services.

The customer computerized communications facility includes means for communicating with a number of different central computerized communications facilities

30 The system wherein one facility is a retail sales store, and the other facility is a banking institution.

The system wherein one facility is an automobile company and the other facility is a bank.

The improved system ~~of claim 16~~ wherein the central

10
(H)
authorization
per telephone
interview
3/31/00

facilities are auction houses.

The system also includes means enabling a customer to speak with a representative at each facility.

The Invention

5 The prior art fails to recognize that some individuals love to use computers, while others are intimidated by them. This invention provides for both types of customers.

 Another problem is they failed to recognize that the public they were dealing with is a generation accustomed to television. 10 Traditional computer methods typically applied towards back office accounting functions by large computer organizations such as IBM, Univac, and Honeywell where users peered blurry eyed into cathode ray tubes are not compelling when applied toward commerce. Customers were not accustomed to having to read large 15 amounts of text and would not accept that approach. This failure on their part greatly explains their poor results and why the public refused to accept their antiquated methods. To correct those earlier failures the present invention uses the computing devices to transmit presentations of goods and services including 20 text, graphics, voice, audio, music, images, and video.

 The use of computerized voice is significant. The prior art is limited generally to transmitting only text and perhaps a few graphics, requiring that the customer read a great amount of text to get the information they wanted. In contrast, the system of 25 the present invention understands these preferences and has adjusted the system accordingly to accommodate the present generation.

 A disadvantage of text is its limited ability to convey enthusiasm, emotion, and in general meaning. There is much 30 contained in human speech in terms of inflection, tone, and volume which convey a significant part of the idea intended. Consider that a particular sentence can when spoken one way be a compliment, yet when spoken with different inflection it becomes

an insult. As illustrated, text seldom conveys these colorful aspects of speech and can never succinctly convey a complex thought or idea entirely. Even worse results can be obtained when translating from one language to another. Text only
5 approximates speech. It does not replace it as the forerunners of these systems assumed. For this reason this system's use of computerized voice provides surprising and superior results.

This invention provides a system where customers can shop for homes and obtain financing all in one place, computer stores,
10 homes, factories, office buildings, and from all public and private locations from which a consumer or customers want to obtain product information or perform a transaction.

Detailed Description of the Invention

In the case of auction houses a number of the remote
15 locations can be concurrently linked with one or more central facilities or auction houses so that groups of customers at each remote or local auction facility can participate in the actual auction at one or more distant central facilities or houses. In this fashion auction customers throughout the world can
20 participate at local auction houses in auctions taking place throughout the world so that a customer in Saint Louis can participate and bid in an auction concurrently taking place in Hong Kong or France. In this particular embodiment each customer can be provided his own personal input device permitting him to
25 personally enter his bid during the joint auction session and at the conclusion of a successful bid remit his payment. He can as well be provided a separate monitor or can share a large screen with some or all other attendees. Each customer can be provided a separate recording or printing device to provide the customer a
30 record or receipt of any transaction he performs.

A number of terminals can be grouped to form an electronic shopping store permitting the customer to obtain desired information on the products of his choice while having access to

highly knowledgeable representatives and can also record, print or otherwise, selected information for their later review. For this purpose the customer's monitor can display a tool or icon they will use to control the information to be recorded. Remote facilities can even be portable so that for example they can be used at trade shows such as car shows permitting attendees to obtain more specific information about the products they desire and to execute their purchase and obtain financing. The customer is to communicate with central facilities or locations comprising banks, credit unions and finance companies, a service company representing such companies, manufacturer's offices, or in general any location from which a customer might wish assistance in facilitating a transaction. The method by which the transactions are facilitated reduces the costs associated with creating, marketing, administering, and selling these products and services, thereby making them more cost effective and affordable.

By providing that the central facility can be a service company the present invention has departed from the previous art. Typically when marketing their products in a traditional approach a company will use the assistance of a service company rather than directly sell or market their own products. The difficulty with the previous art is that they did not allow for a complement to the traditional marketing approach. In the case of deploying these systems specific corporate capabilities will be required. If companies have not felt comfortable in marketing their own products using long established methods and channels, they most certainly will not feel comfortable in using this system on their own. It is anticipated that many will instead demand the assistance of a third party who is more acquainted with the technologies involved and has developed expertise with them.

The foregoing objects are accomplished by a transaction system and method where having earlier established communication between the remote and central locations the customer can use the

electronic communications devices and computing equipment at the remote location to contact a financial services company or some other central facility to facilitate a transaction, such as negotiate the purchase, lease, and contracting of financial services and/or other goods and services. In the preferred embodiment of the present invention a financial services company and its agents who will now be responsible for selling these products to the customers are located centrally and all or substantially all activities of the financial services companies or central facility and its agents are centralized in its state making those products subject at most to the laws of that state or sovereign and thereby drastically reduce or simplify regulatory constraints and streamline related compliance and business costs such as by having only one computer system used to support the selling and administrative process thus eliminating the need to provide this support including applications software at each distributed remote location and in having to train only a single centrally located group of individuals who will act as the agents or representatives.

Previously these financial services companies sold their products through agents located at the site of the customer. The difficulty is that many of the products required that the agents be licensed to sell certain products such as investments and insurance. The difficulty with this is that a significant amount of training and expense was required to place these agents out there. High turnover rate of employees at one location could pose a real problem. The process of getting an agent licensed can itself take a year and each state regulated the licensing of agents within their state. In centralizing the agents we are able to reduce the licensing requirements since agents at the central location can service customers from multiple states so that an agent at a central location say in Missouri could serve customers in theoretically all 50 states. So rather than have 50 different agents each serve a customer in each state we can have

one agent serve all 50 customers thereby reducing licensing bottlenecks and related expenses. The reduction in those expenses can then help these firms better manage their business expenses and in turn pass these savings on to their customers.

5 Although in the preferred embodiment the customer speaks with only one representative at a time it is further anticipated that the customer can speak with multiple representatives from either the remote or central locations at the same time as in a team sales approach. As it is anticipated that customers will
10 speak a variety of languages it will be necessary for presentations and representatives thus provided to be based in the language of the customer; whether it be English, Spanish, French, German, Japanese, or any other desired language. This approach might include utilization of personnel at the remote
15 facility to collectively assist the customer. Also in the preferred embodiment the financial services company or central facility will have no physical presence at the remote facility meaning they can not advertise in any fashion such as on radio, television, or in magazines in the state of the remote facility
20 or by placing or storing product information such as sales materials or literature at the remote facility itself. This will require storing all product information at the central facility so that all activities including product information about these goods and services are then centralized at the central facility.

25 It should be understood however that certain information can be stored at remote facilities such as directories of facilities for dialing purposes or a data base of providers of goods and services arranged by category of business or products offered such as in the Yellow Pages phone directory. In that sense an
30 electronic phone book can be stored at the remote facility or instead upon pressing or utilizing the touch screen, keyboard or input device the customer can activate the system causing it to retrieve from a central facility a directory of goods and services available and thus permitting the customer to select

another central facility from a displayed list or catalogue and establish contact with it and thus have access to numerous central facilities and a myriad of goods and services.

5 The present invention in utilizing an electronic version of
a Yellow Pages has deviated from the prior art in modifying these
types of systems to fit with existing shopping patterns of the
public. Rather than requiring the public to change their method
of shopping for goods and services as the prior art requires, the
present invention has adapted to existing modes of shopping. The
10 present invention has anticipated that the public's learned
behavior is difficult to break and so has provided that the
customer can shop according to existing patterns permitting them
to shop by manufacturer, product, or marketer as one might if
they were previously shopping for say a tire. In that event a
15 customer can locate that specific tire either by its model name,
its manufacturer, or the marketer through which he intends to
purchase it. This approach is akin to a customer shopping
through the White or Yellow Pages or by store or in a mall.

 Additionally customers can just browse through a
20 selection of goods and services as though they were window
shopping. To accomplish this the system can present a collection
of products for those customers who do not have any specific need
but are rather shopping as entertainment. This might include a
group of unique products offered at special prices or terms.
25 These could include limited edition merchandise or closeouts. As
demonstrated, rather than requiring the public to adapt itself to
a new method as did the prior art, this system has adapted itself
to the public and current shopping behaviors.

 While in general all or substantially all application
30 software will be located at each central facility, such as
programs which will prompt the customer for input, choices, or
preferences so that the customer will contact the central
facility and then indicate his choices or preferences; it can
also be beneficial to download certain software from the central

facility to the remote location to provide proper control and support for the customer such as by means of appropriate communications software or operating systems. This provides for the simple updating of any needed communications or other remote located software at the remote facility and ensure that each remote location will be compliant with future standards of communication and protocol based upon changing needs and industry standards. Such downloaded software can be stored temporarily at the remote facility to be used only in the current session or can be retained for all or selected future sessions. It can also be beneficial to quickly download a catalogue of desired or requested information to permit the customer to review leisurely while terminating the communication link to reduce connect charges or free utilization of the central facility's resources. The customer can then reestablish contact with the previous or a new representative and central facility when he is ready. To facilitate such a technique the remote or central location can record the stopping point of the customer's last on-line presentation so that when contact is resumed an appropriate presentation continuing point can be ascertained.

An alternative is to allow the customer to enter any phone number he might wish to dial while accepting a credit card, debit card, or calling card where the customer is to pay or be charged for any phone, connection, or use charges that will be incurred. In this fashion the customer is to be charged for the use of the equipment or transmitting and receiving means. The customer could be charged for any system use or only for their use of an attendant at the central or remote locations should they need assistance. However, it can be necessary or beneficial to not charge new customers for use of live attendants for a select period of time. Thereafter they will be treated as other customers. Otherwise, charging new customers for their use of attendants can discourage them from attempting the system's use. Once we get them accustomed to the system it will be easier to

convince them to help themselves.

Alternatively, the customer could be charged for any use, but more when they need human assistance. The benefit of this approach is that in offering live assistance customers are encouraged to use the system. This is sometimes necessary as not all customers will feel comfortable in using what they can perceive as a computer perhaps for fear of feeling or appearing inadequate. Having human assistance available will make these customers feel more secure and therefore willing to try the system. Yet in charging customers for the use of human assistance they are encouraged to help themselves thus permitting greater utilization of the representatives. This is perhaps an adaptation of animal or human behavior enticing the customer to first use the system and thereafter encourage them to help themselves.

As above, the system could thus provide a means to read credit cards and such as by card swipe reader or any other approximate equivalent means and can as well be used to later tender payment for goods and services purchased. In this sense the system could be used as a sort of public telephone to transmit and obtain information about any goods and/or services the customer might desire from any central location anywhere in the world.

A further variation in this theme is to instead charge the providers of goods for listing their products on the system. This could be in the form of a periodic flat fee or the providers could instead be charged for each incidence a customer requests their product information or is shown it involuntarily based on a customer's profile. Different rates can apply depending on whether a customer requests the information or is shown it involuntarily. To improve the reaction of the customer to an involuntary commercial the system might instead at the predetermined time offer a choice of commercials to the customer prompting them to choose which one they have most interest in and

wish to see. One choice could even be a random selection if the customer wishes to be surprised.

5 This response serves two purposes. The first is that in voluntarily choosing which product the customer is to learn about, they are more apt to assume a positive attitude toward that product since they willingly chose it. Second, this selection by the customer could be used to build or update their customer profile.

10 In a similar fashion as the customer's profile can be used to determine which products they will view in commercials, this profile can also be used to determine which version of a provider's commercial a customer will see. It is a common practice in advertising to alter a commercial according to the demographics of the anticipated viewer. A commercial appearing on
15 a country and western radio station will differ from that appearing on a classical music station. Having a profile for each user will permit advertisers to provide a message custom tailored to each specific customer profile.

20 To determine its corporate customer profile each provider of goods can use the system. Profiles of those customers who specifically request product information can be used by those providers to build general profiles of those customers who might have an interest or need in their goods. Thereafter those provider profiles can be used to help the system guide
25 commercials to system users most likely to be interested in those goods. Commercials can then be shown to customers intermittently throughout the customer's session or at predetermined points such as when the customer is waiting for live assistance or in between queries.

30 One approach is to require that each customer watch a specified number of minutes of commercials for a given number of minutes of entertainment programming.

Another approach to commercials is to credit a customer's account for each minute of commercials or product information he

views or according to the amount of goods they purchase. In return the customer could be granted so many minutes of entertainment programming. One approach to this is similar to a traditional broadcast strategy where the customer passively sits back and watches assorted programming. Yet at anytime the customer can use an input device to request information on sponsors' products. A list is then presented to the customer of the various sponsors and the customer could then choose which ones he wants to see a presentation on.

Alternatively, a list of sponsors and their products could be collected from each program watched so that after the program has completed the customer could then review the list of sponsors and choose which commercials they will view. The products and sponsors can be tied into the programming but need not be related. The system could also build a list of chosen sponsors for each customer allowing them to at a later date go back and review the same or additional information on those products. As above a customer is only permitted so many minutes of entertainment programming for each minute of commercials. The result is quite different from present day television as customers are required to actually participate in the selection of the commercials they are to watch and can immediately obtain more specific information on those products they choose. Having made the decision for themselves, it is expected that customers will have more interest in the products of sponsors.

Brief Description of the Drawings

In the following detailed description, reference will be made to the attached drawing in which:

Fig. 1 is a block diagram of an array of electronics communications components employed in a system and method for facilitating transactions in accordance with the principles of the present invention.

Detailed Description of the Invention

The preferred embodiment of a system 10 and method for facilitating transactions in accordance with the principles of the present invention will now be described in detail. The transactions facilitating system 10 includes at least one central facility 12, such as a financial services company, marketer, or manufacturer and at least one remote facility 14, such as a retail sales facility, or any other public or private location from which a potential customer of the central facility 12 wants assistance in facilitating a transaction. For instance, the remote facility 14 can be retail sales facility, such as car, truck, boat and/or motorcycle dealerships. The central facility 12 can be a financial services facility, such as a bank, credit union or a finance company or any other central facility from which a customer wants assistance in facilitating a transaction.

In the illustrated case of financial services, the system 10 facilitates the carrying out of activities such as financial business transactions in accordance with the principles of the present invention by employing an array of means for transmitting and/or receiving information comprising visual, audio, and/or data between the financial services facility or location 12 and a customer at one of the respective remote facilities or locations 14. The financial services facility 12 offering the goods and/or services or assistance in facilitating such a transaction is established at a central location. Each retail sales or remote facility 14 is sited at a given remote location where potential customers are located whether stationary or portable. In this respect the system can be used to execute a transaction between the customer and the central facility or it can only provide assistance to the customer in his selection of goods and services which a local or remote facility are to thereafter provide.

At the remote retail sales facility 14 an area is established where an array of electronic communications equipment is provided in accordance with the present invention for

transmitting and/or receiving information comprising visual, audio, and data about financial services or other goods and services between the central financial services facility 12 and the customer at the remote facility 14.

5 More particularly, as seen in Fig. 1, such array of electronic communications devices and computing equipment includes a modem 16, a digital computer 18, a speaker phone 20 or other means of conveying sounds, a monitor 22 or other means of conveying images, a printer 24 or other means for recording
10 signals or information conveyed from the company 12, and a keyboard or input device 26. It is anticipated that a handset rather than a speaker phone or external speaker can be used in instances where a customer wishes to speak privately with a representative.

15 For an application of this system in homes the input device could be a television remote control device perhaps with alterations comprising cursor movement keys, a joystick, or a microphone for voice input. In recording this product information the customer can then save or take the desired information with
20 him for his later review which might comprise instructions for use, operation, or assembly and can include a list of suggested products or services as advised by the live representative or by the central facility computer. Such information might be recorded on paper, magnetically such as upon a cassette, video tape,
25 computer disc, CD, or a chip embedded or smart card, or by some other means. Comparably the central facility can record the transaction for later retrieval so the customer can continue where he left off at a later date should his interest renew or for identification purposes or for possible assistance in
30 resolving disputes. Other means to verify identification of the customer can be used comprising magnetically encoded badges or cards, or the use of eye or finger scanning devices. Additionally, a mail bag 28 or other means for remitting payment or documents is provided at the remote facility 14.

For communicating with the customer at the remote retail sales facility 14, a complementary array of electronic communications devices and computing equipment is located at the financial services facility 12 or central location. As seen in Fig. 1, this equipment includes a modem 30, a digital computer 32 or other means for processing information, instructions or data, a phone 34 or other means for voice exchange or audio transmission, a monitor 36 and a keyboard or other input device 38. Only a complementary printer is not needed at the financial services facility 12 for the purpose of facilitating transactions in accordance with the present invention. Preferably, two separate phone lines 40, 42 are available to interconnect the respective phones 20, 34 of the facilities 14, 12 simultaneously with, but separately from, the interconnection of the respective modems 16, 30 of the facilities 14, 12 so that voice or audio, visual, and data communication can be ongoing concurrently between the customer at the remote facility 14 and an agent at the financial services facility 12. Alternatively such contact can be established by coaxial cable such as through a cable company or some other means of establishing contact or by means of some wireless technology such as radio. Each of these components of the respective electronics communications equipment at the respective facilities 12, 14 is per se a conventional off-the-shelf item and thus it is not necessary to describe such components in any further detail.

One embodiment could use a combination of wired and wireless technologies. In this instance the information being transmitted to the customer could be on a wireless basis whereas the signals transmitted to the central facility could be on a wired basis. The advantage of this approach is that standard telephone lines can be insufficient at transmitting extensive amounts of video and audio information. However, the bulk of this type of transmitting will in certain cases be going from the central facility to the customer. But in many instances the

demand for transmitting from the customer to the central will be significantly less and will in most cases be adequately handled by normal telephone lines. This approach can then reduce the expense of deploying these systems by reducing or eliminating the need to install a more advanced wired communications network.

At the remote facility 14, the customer of the retail sales facility 14 and/or of the financial services facility 12, is escorted to the area where the above-described array of electronics communications equipment of the retail sales facility 14 is provided. The customer presses an auto dial button 44 on the speaker phone 20 or uses his input device such as a touch screen to select a central facility to contact from a list displayed on his monitor and in doing so establishes contact with the financial services company 12 and perhaps its agent by way of some means of transmitting data, audio, and/or visual information comprising telephone or videophone thus permitting the simultaneous or concurrent transmitting of audio, video, and data as the customer and representative speak with one another or establish voice contact and while the representative provides the customer with information about goods and/or services. At that time the customer can automatically review established presentations to better prepare him for a session with a representative and to educate the customer on the goods and services he is about to consider or at the customer's wish he can bypass these introductory presentations and immediately direct the session or request personal assistance from a representative.

As an alternative the customer can establish contact with the central facility's equipment without the assistance of a representative and merely help himself in a self-service mode where he can browse through databases of goods and services. The speaker phone 20 as contemplated herein is intended to encompass other comparable devices, such as a videophone or the like, where in addition to 2-way verbal contact the customer can establish 2-way or 1-way visual contact with the agent. Concurrently or

subsequently the remote terminal can transmit its phone number, serial number, or identification code to the central facility so as to identify itself and thus satisfy any future administrative needs of the central facility should for example a break in

5 communications occur and the need arise to reestablish contact with the specific remote facility and its customer. In this respect it will be necessary for each remote location to store this serial, phone, or station identification number for future transmittal.

10 While in the preferred embodiment the customer at the remote facility initiates contact with the central facility it is contemplated that the central facility or its representative can have occasion to initiate contact with a given remote facility. An example is a public or private location where the central

15 system contacts the remote facility to apprise potential customers of goods and services offered. In a public location such as at a mall a remote terminal can perform for customers who pass and prompt them to press the screen to obtain specific information.

20 To facilitate reconnection should an accidental break occur in the connection between remote and central facilities, upon each break initiated by a customer a control signal will be transmitted to the central location. Otherwise should any break occur without the central location having just prior received

25 this code the central facility will know to reestablish contact. If the code is received just before the break there will be no need to reconnect as the customer terminated contact. Another approach is to store the presentation stopping point at the customer location so that if accidental break occurs the remote

30 system can reinitiate contact if the customer wishes.

Having established contact the customer and agent then speak with one another by way of the phones 20, 34 of the respective facilities 14, 12. Concurrently, the agent by using his or her digital computer 32, monitor 36, keyboard 38 or other input

device and modem 30 establishes electronic contact with the customer's modem 16, digital computer 18, monitor 22 and printer 24 if such contact has not already been established by the customer by means of a single telephone or communications line, or wireless means to transmit and provide helpful audio, video, and data information to the customer about the transaction being proposed for the customer by the financial services facility 12. Such information can take the form of charts and the like displayed on the monitor 22 or printed on a sheet of paper by the printer 24. It can comprise audio and visual information related to those goods and services of interest to the customer and can contain any desired sales or product information such as product specifications, service data, published articles, product demonstrations, orchestrated presentations, sales literature such as you might find in a brochure or catalogue, possible uses, compatibility, styles, selection, availability, comparisons to other products or services, published articles on products or services; product features, compatibility, or requirements.

In the case of financial instruments or investments, information might comprise expected profit or margins, past performance of like products, maturity dates, terms, conditions, exclusions, limitations, and exceptions. In the case of automobiles or other durable goods information might comprise models, styles, expected life, efficiencies, colors, capacities, maintenance requirements, options, comparisons between models, published articles on products or excerpts of, pictures of products (still and full motion of product as in its various uses), testimonials of products, commercials, or infomercials. Information for home users when purchasing or renting movies, music, or other forms of entertainment might comprise: ratings, titles, product descriptions, artists or actors, articles written by critics or excerpts of, short segments of music or movie (samples or previews), lists of products available and in general any audio or visual information a customer might wish to know

including quote, price, or any information about goods or services other than quote, binder, or price.

As an assistance to any attendant or representative at the central facility that same or related product information can be displayed on the representative's monitor at the central facility to aid in his assisting the customer.

The digital computer 18 stores suitable well-known off-the-shelf operations, communications and perhaps graphics software programs in its memory and is operational to translate the signals, electronic or otherwise, caused to be transmitted from the financial services facility 12 into such displayed, audio reproduced, recorded, or printed information. An example of a suitable communications program is one commercially available under the trademark ~~Carbon Copy~~ ^{"Carbon Copy"} thus permitting or enabling the representative to control the equipment at the remote facility and permitting the customer to retrieve and access information about goods and services stored at the central facility. An example of a suitable graphics program is one commercially available under the trademark Harvard Graphics which can be used to reconstruct digitally transmitted information back into visual images.

Thus, the agent residing at the central financial services company 12 has the ability to control the above-described electronic communications equipment in the presence of the customer located at the remote facility 14. The agent is thereby able for example to display any desired information at will on the customer's monitor 22 or to print any information at will on the customer's printer 24. The customer can respond verbally to central facility prompts initiated by the representative or the central facility equipment via the speaker phone 20 or by using his or her keyboard 26 or other input device or some other means to convey customer supplied information. Such an input device is anticipated to comprise a touch screen permitting the customer to press a screen displayed icon to supply his choices or input, and

voice activated response or voice recognition input permitting him to speak his responses, selections, or data input. Personal data to be supplied by the customer can be voice input or supplied by other appropriate means comprising retrieved from a personal data card supplied by the customer by means of a magnetic reader or other comparable device capable of retrieving information thus stored and the system can then permit the customer to update or correct any information provided. The system can also utilize voice synthesis to prompt or present options to the customer and can be used in tandem with visual prompts.

In this fashion the customer can at his leisure and without the assistance of the representative review any desired information about those goods and services he is most interested in with complete privacy yet can by way of his input device request a representative at his will should he desire personal service. He or she can then serve himself should he wish or if preferred he can sit back and let the representative fully control the presentation. The transmitted presentation can utilize a well known spokesperson and give the appearance of a commercial or infomercial. On his own the customer can back up, fast forward, skip, or jump to the specific product information he wishes at his command. His access to this information is described in the computer industry as random. Information can be provided at various levels of detail through a technique known as hypertext. The customer can thus review a summary of specific information and at his request or command receive a level of information of greater detail. One such method of accomplishing the summoning of the representative is to provide an icon or tool on the customer's monitor which he can press or select at any time which in turn causes the system to summon or ring a centrally or alternatively remotely located representative to personally assist the customer.

Additionally a security feature could be installed to

protect customers or the remote system from vandalism. Here the user is required to present his credit card or other ID to obtain entry into a locked facility containing the terminal.

5 Another approach to guard against vandalism is to have a live attendant greet on screen each customer as they approach the system. Alternatively, a camera could be placed on each system to
10 monitor the customer's use and a notice could be posted about the use of the camera to protect the customer's availability to the system. An alarm can also be used that is activated automatically under certain conditions or manually by the rep at the central facility.

15 In providing the customer an input means we have permitted greater utilization of the representative's time and allowed the customer to only be assisted as he wishes. However it is beneficial to monitor the customer's activity to signal when an appropriate time might be for the representative to voluntarily offer assistance should the customer become confused or lost. An application of a computer technique referred to as artificial intelligence will help identify the occurrence. Such a situation
20 is indicated by a customer's repeated review of the same information or lack of command to the system within a given period of time.

When appropriate the agent can then command the customer's printer 24 to create or print needed contracts and documents
25 (comprising loan application papers, a notice of proposed insurance, an insurance binder, an insurance application, receipts, etc.). The agent can also display his or her own image in a corner of the customer's monitor 22 as a courtesy by using an appropriate communications program and a graphics file
30 produced from the agent's photograph with a conventional image scanner.

In combination with the application for a loan or the presentment of a credit card or some other payment instrument the central facility perhaps under the direction of the

representative or under control of the central facility's application software can initiate a credit check to determine the customer's credit worthiness or qualify the customer so as to approve the intended purchase. The central facility can itself
5 store credit or check approval information for each prospective customer or can communicate with a third party such as TRW and exchange appropriate and necessary information on the customer while the customer waits at the remote facility to obtain the necessary credit history in order to process and approve the
10 customer's request. Should the result of the check be negative, the representative can converse with the customer to perhaps arrange for alternate means of payment. Having qualified the customer the central facility can in the event of a loan request conduct the necessary risk evaluation, manually or electronically
15 by means of algorithms to determine loan approval. A similar approach can be taken for insurance requests. The customer can respond to questions regarding his medical history and based upon a search of medical history either at the central facility or at a third party such as the Medical Information Bureau determine
20 the insurability of the customer and insurance approval.

While in the preferred embodiment the final approval for loan or insurance is made upon the customer remitting completed forms either electronically or by mail or some other means it should be understood that having performed the necessary medical
25 or credit check the central facility can immediately approve the customer's application or request for insurance or credit and commit itself. During the solicitation process the central facility can record and store the presentation for beneficial purposes such as to meet regulatory requirements for proof of
30 disclosure as when selling insurance, loans, or investment instruments comprising stocks, bonds, annuities, and mutual funds.

Once the contracts are printed out the customer is directed to sign them and personally place them and any required payment

(check) in a mail bag 28 located at the retail sales facility 14. A binder can be issued upon the customer signing applications for financial services and mailing them so he can take possession of any purchased goods or merchandise in contemplation of the financial services companies accepting the applications and performing final execution of the contracts in the home sovereign.

In the application of entertainment the possession can include the presentment of recorded performances or programming to the customer such as can be transmitted or in some otherwise fashion conveyed to the customer.

Alternatively, some other means of remitting payment and any completed contracts to the agent can be used such as electronically where the customer can for example endorse an electronic signature box displayed on his monitor by means of an electronic pen or other comparable device and subsequently transmit by modem the electronic contracts back to the central facility or by some other electronic means to permit the customer to legally apply for contracts perhaps comprising the faxing or transmitting of a signed contract from the remote to the central facility.

At the end of a session the system can prompt the customer for comments or take a poll. The customer can respond with his input device. The system can also encourage the customer to speak into a microphone to record the customer's comments on products, assistance provided by a live rep, or the system itself. The advantage in recording the customer's verbal response is that the easier it is for customers to respond the more likely they will. Also, open-ended questions that can be very revealing are difficult to obtain if the customer is required to hand write or type comments. Recording the response will make the best use of the customer's time and improve the success of obtaining this information. As a mechanism for requesting this information the system could list an OFF button.

Once a customer has selected OFF the system can begin to execute a closing procedure which could include a customer questionnaire.

At some point during the customer's session the system can prompt them for their address so as to forward additional or
5 updated product information to them perhaps regarding future special offers. This approach introduces a whole new method to sales promotions.

a In one embodiment, once a customer has selected and paid for ^{his} ~~their~~ purchase those products that can not be delivered on the
10 spot (such as via a remote printer or other device permitting the culmination of a transaction) can be delivered to the customer such as at ^{his} ~~their~~ residence or place of business. Alternatively,
a customers can pick up their purchases at a central order processing center.

15 Another embodiment provides for team shopping permitting a group customers at the same or different locations to view the same presentation simultaneously under the control of one of the customers as they speak with each other. In this instance a customer at the same or different remote location will assume
20 control of the input device for one or more different customers. Control of the system can alternate between the individuals so that at times a first customer can control the presentation while at another time a second or other customer can assume control. The selected information will be presented to each shopper in the
25 party though they can be at different customer locations. In this way each person in the group can share with the others products they find interesting. At the same time they can all engage in a group conversation or perhaps video conference so each can hear the other as they review the presentations together.

30 The advantage of this approach is that historically electronic systems have failed to captivate certain segments of the population such as females. Part of the problem is that the act of using such a system has to this point been a solitary activity. While some customers can be content using the system

by themselves, others are more group oriented and prefer social contact. For example, while some people (perhaps men) will be more inclined to visit a store or go shopping by themselves, others (perhaps women) are more likely to be accompanied by a friend. This embodiment of the system then recognizes these differences between customers and allows those who are more group oriented to use the system in a way they are comfortable with.

Another use of the system is to create electronic cities. Here the system creates a tour to guide electronic tourists through a selected city showing important points of interest as presented by an electronic version of a tour guide with verbal narration. Customers are allowed to browse and shop on their own at anytime. Using the system in this way customers are able to electronically sightsee and shop at a selection of cities within their country and internationally. The ability to tie in the flavor and charm of a city or country with its products should greatly encourage customers to shop and make the customer's experience fascinating. Cities and countries could introduce themselves in a positive way and encourage tourism. The system's use in this fashion allows it to disseminate knowledge of a region and its people to others helping to improve relations between cities and countries.

Another version of the invention utilizes a full blown video conference center providing a large screen, perhaps wall sized, 2 way color video and audio device in addition to a remote printer used to generate or print documents for the prospective customer. In this fashion the customer is placed in a theater like environment so he can comfortably view any desired product information by means of full motion, full color, audio/visual presentations. Images can be displayed by holograms or similar 3 dimensional means to give life and form to goods or services sold.

Alternatively the video can be 1 way or nonreciprocal versus 2 way or reciprocal should the customer prefer to not be on

camera. It can as well be monochrome as opposed to color where preferable such as when communication resources are not available to achieve full color video. To put the customer at ease at the start of each session the customer's monitor can display his own image permitting him to make any grooming adjustments he wishes and in doing so better put his mind at rest.

In addition to accepting a credit card or similar means as payment for system use, the system could accept cash or any other payment means.

Although the system 10 has been described with reference to financial services, the concept of the present invention is not so limited. It can be used to sell or assist in selling all goods and services comprising cars, boats, motorcycles, vacations, travel packages, investments, furniture, real estate, service contracts, product warranties, entertainment, financial services, and all other goods or services a customer might desire to remote customers whether or not financed or insured such as at a consumer goods store where customers use the system to select and transact their purchase.

In this sense the system serves as an expert system allowing the customer to obtain knowledgeable assistance from a central facility and its salesperson or representative. This is especially beneficial for customers of retail stores which sell large ticket items or complicated products which require or benefit from highly or moderately skilled sales people. This responds to a common complaint that few stores have knowledgeable staff. The customer can then select and pay for his purchase at the terminal and take possession of his goods upon leaving. In using the equipment in this fashion the provider of the equipment can charge the customer a fee for use of the system and its services for which it can then provide the customer with a printed coupon, rebate or voucher for free goods or services, or an equivalent or partial discount should the customer purchase his goods or services at that remote location during an unlimited

or limited future period of time.

a Such a system ~~is~~^{will} be of great benefit to an employment agency or head hunter who might then record interviews with a selection of employee candidates for presentation purposes permitting
5 prospective employers to browse the catalogue of candidates in quickly narrowing and finalizing their recruiting search.

It can now be readily seen that the system 10 of the present invention accomplishes its first object identified above by centralizing the administration and selling of products and
10 thereby substantially reduces the costs associated with creating, marketing, and administering these products and services. The system 10 also accomplishes its second object identified above by consolidating all management activities of the financial services products with the central office. The primary or only task of
15 the retail sales location in the preferred embodiment is to refer the customer to the equipment at the remote location. Hence, all possible responsibilities are centralized permitting better control and simplifying ongoing management. With the great reduction in costs associated with developing and administering
20 new products it is now possible, that is affordable, to develop a greater variety of products which are then more likely to fit the needs of specific customers. The third object is achieved as new product supporting materials, such as computer programs and other sales materials, are now centralized and it is no longer
25 necessary to train an army of outside staff to sell and support the new products, giving the financial services company or other provider of goods and services more control as well on the sales process.

The foregoing description of the preferred embodiment of the
30 invention has been presented for the purposes of illustration and description. It is not intended to be exhaustive or to limit the invention to the precise form disclosed. Many modifications and variations are possible in light of the above teaching. Such modifications and variations are deemed to be within the scope of
35 this invention.

Separate
sheet
1998
of paper

Please cancel the Abstract and substitute the following therefor:

Abstract of the Disclosure

Systems for marketing goods and services remotely, that is, by an electronic shopping facility offering such products and services to customers at remote locations are known. In those systems either information was displayed on a remote terminal while the customer at the terminal talked to a representative at the central facility, or, as in a programmed course, questions and blanks on a screen display were answered by the customer at the remote location. The transaction was based on either what the representative heard, or upon answers and filled-in blanks. Herein input means enable a customer at the remote computerized facility to establish contact with the central facility's equipment, to search for information of his choice about the goods and services and to negotiate a price therefor. The system also includes connections to a number of central computerized facilities offering goods and services of competing companies;

In the Specification

Please amend the specification as follows:

Page 26, line 14, change the words - Carbon Copy - to --"Carbon Copy" --.

Page 31, line 9, change "their" (first word) to --his--;

line 12, change "their" to --his--.

What is claimed is:

1. In a system for marketing goods and services which includes a customer computerized communications facility, a central computerized communications facility remote therefrom, and a data link between them, the improvement including: computer means at both the customer computerized communications facility and the central computerized communications facility, adapted to transmit and receive images and data between them; means for additionally establishing voice contact between the two communications facilities; software stored at the central computerized communications facility adapted to provide goods and services information; input means at the customer computerized communications facility adapted to enable a type of customer who is uneasy using a computer to access that software in order to view a presentation adapted to educate the customer about the goods and services; input means adapted to enable a type of customer enjoying computers to access the software in order to bypass the presentation, and, in a self-service mode, to browse in the software to view desired information to learn about goods and services at his desired level of knowledge; means enabling both types of customers at any time they desire personal assistance to utilize the means establishing voice contact to talk to a representative at the central computerized communications facility; application software located at the central computerized communications facility enabling either type of customer to download from the central facility to the customer computerized communications facility information desired by the customer; and input means located at the customer computerized communications facility enabling the customer to access application software located at the central computerized communications facility.
2. The improved system of claim 1 wherein the information regarding the goods and services obtained by the customer includes accompanying voice narration.
3. The improved system of claim 2 wherein the input means at the customer computerized facility and the application software at the central computerized facility enable customers to search for goods

according to model, manufacturer, and marketer of the goods.

4. The improved system of claim 2 wherein the input means at the customer computerized facility and the application software at the central computerized facility enable customers to search for a predetermined selection of goods .
5. The improved system of claim 2 wherein the application software at the central computerized facility enables the customer to download instruments finalizing a transaction relative to the goods and services.
6. The improved system of claim 2 wherein the application software at the central computerized facility includes a subroutine for charging customers for their use of personal assistance.
7. The improved system of claim 2 wherein the application software at the central computerized facility includes a subroutine for charging customers for each instance a customer is shown product information.
8. The improved system of claim 2 wherein the application software at the central computerized facility includes a subroutine requiring customers to view a specified amount of product information in return for being granted a specified amount of use of the system.
9. The improved system of claim 2 wherein the application software at the central computerized facility includes a subroutine providing the customer an electronic phone book containing a directory of providers and goods available.
10. The improved system of claim 2 wherein the application software at the central computerized facility includes a subroutine which builds a general customer profile based upon customer's requests for information.
11. The improved system of claim 2 wherein the application software at the central computerized facility includes a subroutine permitting a plurality of customers at different computerized locations to view simultaneously the same presentation and to speak to each other during said presentation, the presentation being under the control of one of the customers.
12. The improved system of claim 11 wherein means are provided for

control of the system to alternate between the individuals so that at times a first customer can control the presentation while at another time a second or other customer can assume control.

13. The improved system of claim 2 wherein the central facility is a service company representing the provider of the goods or services.

14. The improved system of claim 2 wherein a representative is located at the central computerized facility and that representative is an agent for the provider of the goods and services.

15. In a system for marketing goods and services which includes a customer computerized communications facility, a central computerized communications facility remote therefrom, and a data link between them, the improvement including: computer means at both the customer computerized communications facility and the central computerized communications facility, adapted to transmit and receive images and data between them; wherein the customer computerized communications facility includes means for communicating with a number of different central computerized communications facilities; means for additionally establishing voice contact between the customer and central communications facilities; software stored at the central computerized communications facility adapted to provide goods and services information; input means at the customer computerized communications facility adapted to enable a customer to access that software in order to view a presentation adapted to educate the customer about the goods and services; input means adapted to enable a customer to access the software, and, in a self-service mode, to browse in the software to view desired information to learn about goods and services at his desired level of knowledge; means enabling customers at any time they desire personal assistance to utilize the means establishing voice contact to talk to a representative at the central computerized communications facility; application software located at the central computerized communications facility enabling a customer to download from the central facility to the customer computerized communications facility information desired by the customer; and input means located at the customer computerized communications facility enabling the

customer to access application software located at the central computerized communications facility.

16. The improved system of claim 15 wherein the information regarding the goods and services obtained by the customer includes accompanying voice narration.

17. The improved system of claim 16 wherein one facility is a retail sales store, and the other facility is a banking institution.

18. The improved system of claim 16 wherein one facility is an automobile company and the other facility is a bank.

19. The improved system of claim 16 wherein the central facilities are auction houses.

20. The improved system of claim 16 including means enabling a customer to speak with a representative at each facility.

Add a²
Add B²
Add C¹
Add D¹



ABSTRACT OF THE DISCLOSURE

A system and means for transacting business utilizing remote and central locations. Each of the locations has an array of electronic communications equipment for communicating information about goods and services comprising audio, video, and data between an agent at the central location and a customer at the remote location.

Subject
B

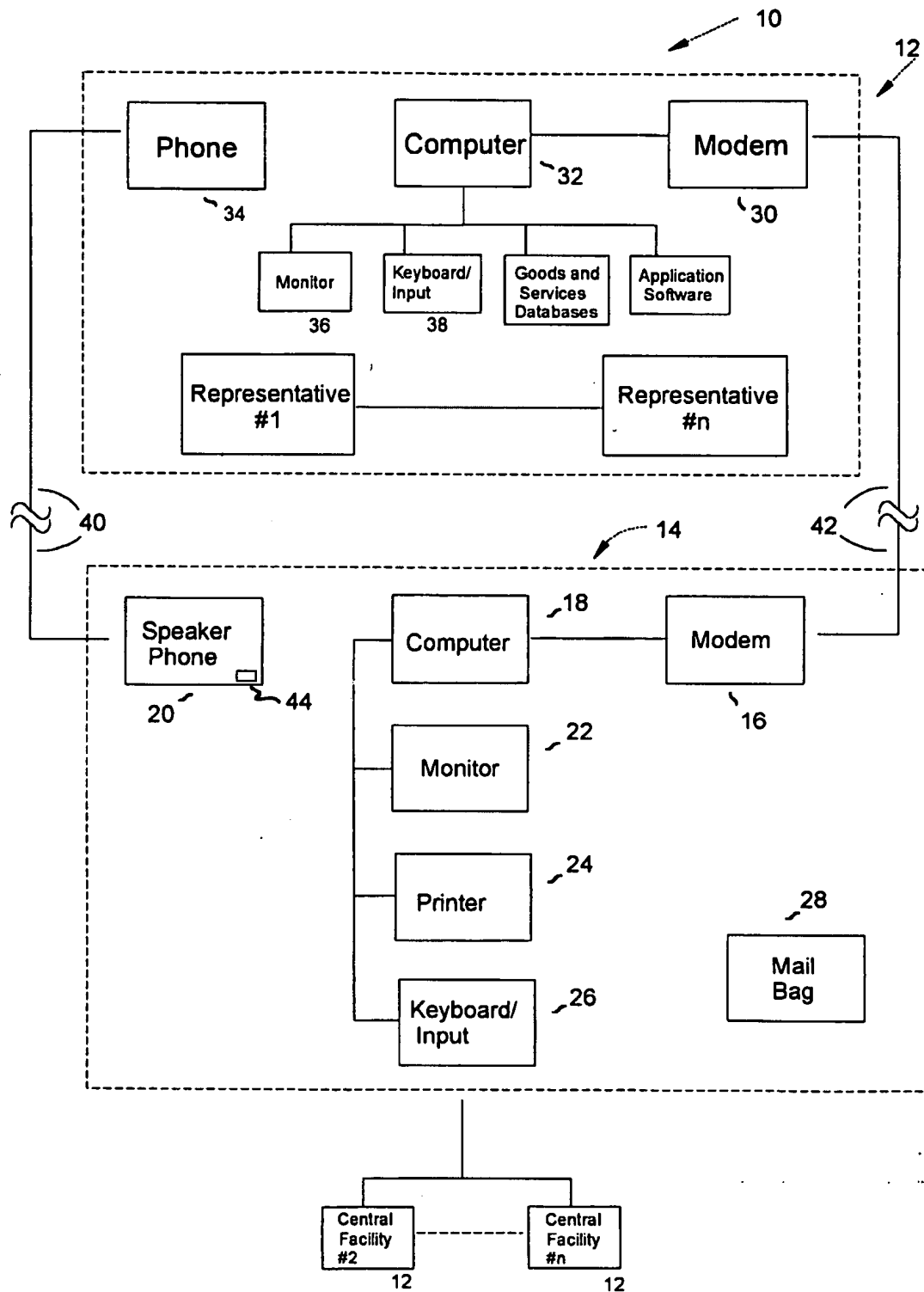


Fig. 1

08/ 668 561
6/21/96

APPENDIX C

Grounds of Rejection

DETAILED ACTION

1. Claims 30-36, 38-45, 47-54, 57-64, and 67-143 are pending in the instant application. Applicant filed an amendment on 10/21/2004 amending claims 44 and 70 and adding new claims 108-138. Applicant further filed an amendment on 2/25/2005 amending claims 30 and 115 and adding new claims 139-143. Applicant further filed a response to an election requirement, electing claim 116 without traverse. In light of the election requirement, claims 117-120 are withdrawn from consideration. Therefore, claims 30-36, 38-45, 47-54, 57-64, 67-116, and 121-143 are presented for examination.

Election/Restrictions

2. Applicant's election without traverse of claim 116 in the reply filed on 2/25/2005 is acknowledged. Accordingly, non-elected claims 117-120 are withdrawn from consideration.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 115, 116, 121, 122, and 140-143 are rejected under 35 U.S.C. 102(e) as being anticipated by Saigh et al., Pat. No. 5,734,823 (hereinafter Saigh).

As to claim 115, Saigh discloses An apparatus to market and/or sell goods or services over an electronic network comprising:

a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database (i.e. central information data bank and peripheral information data banks)(see Fig. 1, col. 4, lines 18-35 and lines 51-61 and col. 5, lines 21-30), and each of said first or other computerized central communications facilities having a processor programmed to:

receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest (col. 6, lines 6-15);

enable said customer to at least one of search, browse and access said database for information of interest (col. 6, lines 6-15); and

transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility (col. 6, lines 6-15);

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wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding rentals of products (i.e. point of rental delivery system)(col. 11, lines 18-30 and lines 43-47).

As to claim 116, Saigh discloses The apparatus of claim 115 wherein said rentals are entertainment products (i.e. point of rental delivery system)(col. 11, lines 18-42).

As to claim 121, Saigh discloses The apparatus of claim 115 wherein at least one of said computerized central communications facilities is adapted to enable said customer to print said information (col. 6, lines 16-31).

As to claim 122, Saigh discloses The apparatus of claim 115 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information data bank)(Fig. 1).

As to claim 140, Saigh discloses An apparatus to market and/or sell goods or services over an electronic network comprising:

a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services stored in a database (see Fig. 1), and each of said first or other computerized central communications facilities having a processor (col. 6 lines 4-10, col. 7, lines 12-49 and col. 8, lines 39-65) programmed to:

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receive from a customer located at said computerized remote facility a request to at least one of search, browse and access in said database at said first or other computerized central communications facility for information of interest (col. 6, lines 5-20);

enable said customer to at least one of search, browse and access said database for information of interest (col. 6, lines 5-20); and

transmit said information of interest from the database at said computerized central communications facility to said computerized remote communications facility ;

wherein at least one of said computerized central communications facilities is adapted to provide said customer information regarding entertainment rentals (col. 6, lines 5-20, col. 7, lines 7-11 and col. 11, lines 15-19).

As to claim 141, Saigh discloses The apparatus of claim 140 wherein said rentals are movie rentals (col. 6, lines 5-20, col. 7, lines 7-11 and col. 11, lines 15-19).

As to claim 142, Saigh discloses The apparatus of claim 140 wherein at least one of said computerized central communications facilities is adapted to enable said customer to print said information (col. 6, lines 16-31).

As to claim 143, Saigh discloses The apparatus of claim 140 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information databanks)(see Fig. 1).

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5. Claim 123 is rejected under 35 U.S.C. 102(e) as being anticipated by Gifford, Pat. No. 5,724,424.

As to claim 123, Gifford discloses A method for running application software in a computer network environment, comprising:

providing at least one computerized remote communications facility and at least one computerized central communications facility coupled to said network environment, wherein said network environment is a hypermedia transmitted environment (Fig. 1 and Fig. 3);

executing, at said computerized remote communications facility, browsing application software that processes a first transmitted hypermedia document to identify visual and/or audio information in said hypermedia document caused to be transmitted from said computerized central communications facility for a customer at said computerized remote communications facility (Fig. 3);

utilizing said browsing application software to display, on a monitor at said computerized remote communications facility, at least a portion of a first transmitted hypermedia document received over said network from said computerized central communications facility, wherein a portion of said first hypermedia document is displayed within a first browsing application software window on said monitor at said computerized remote communications facility (Fig. 3), wherein said computerized remote communications facility has downloaded application software from at least one of said computerized central communications facilities in a current or past session (col. 5, line 60 – col. 6, line

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2), wherein said browsing application software is operational to process information contained in said hypermedia document, and wherein said downloaded application software is operational to translate information contained in said transmitted hypermedia document in order to display in said first browsing application software window or otherwise reproduce said information at a computer for said customer at said computerized remote communications facility (Fig. 3).

Claim Rejections - 35 USC 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 30-33, 36, 39-45, 47, 49, 51, 54, 57-64, 67, 79-85, 87-90, 92, and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Services: AT&T provides compass" (hereinafter AT&T) in view of Dworkin, Pat. No. 4,992,940.

As to claim 30, AT&T discloses an apparatus to market and sell goods or services over an electronic network (i.e. Directory of Directories)(see abstract) comprising:

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a first computerized central communications facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities, each of said first or other computerized central communications facilities having information relating to goods or services, and each of said first or other computerized communications facilities having a processor (i.e. one stop shopping list of all Internet's service and resources)(see abstract)

a computerized central communications facility having a processor programmed to receive from a customer located at a computerized remote facility a request to at least one of search, browse and access a computerized central communications facility for information of interest (see abstract).

enable said customer to at least one of search, browse and access for information of interest, transmit said information of interest from said computerized central communications facility to said computerized remote communications facility (see abstract).

wherein at least one of said computerized central communication s facilities is adapted to provide to said customer at said computerized remote facility a list of computerized central communications facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to said goods or services (see abstract and entire document).

AT&T does not explicitly disclose

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information of interest stored in a database at said computerized central communications facility.

However, Dworkin discloses information of interest stored in a database at said computerized central communications facility (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 31, AT&T does not explicitly disclose the apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility.

However, Dworkin discloses a computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility (col. 2, lines 33-41 and col. 8, lines 9-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 30, wherein said computerized central communications facility is further programmed to facilitate a transaction between said computerized central communications facility and said computerized remote communications facility as taught by Dworkin within AT&T for the

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motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 32, AT&T does not explicitly disclose the apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings.

However, Dworkin discloses wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings (col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 30, wherein at least one of said computerized central communications facilities is further programmed to contact the customer and apprise said customer of goods and services offered or any special offerings as taught by Dworkin within AT&T for the motivation of alerting the customer of any new products offered (col. 9, lines 36-47).

As to claim 33, AT&T discloses the apparatus of claim 30, wherein said computerized central communications facility and each of said other computerized central communications facilities are associated with competing providers of goods and

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services (i.e. directory of directories ... internet providers to list information about their service)(see abstract).

As to claim 36, AT&T does not explicitly disclose the apparatus of claim 35, wherein said apparatus further comprises means for recording a presentation stopping point for future reference .

However, the Examiner takes official notice that it was old and well known in the computer sales presentation arts to provide a stopping point in a user=s presentation (i.e. saving a file which represents a potential transaction). This allowed a user to resume a transaction at a later date without having to resubmit previously entered information. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include means for recording a stopping point in the customer's last on-line presentation in case contact is resumed within AT&T and Dworkin for the motivation of allowing a customer to resume a transaction at a later date without having to resubmit previously entered information.

As to claim 39, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to present information of interest to said customer (see entire document).

As to claim 40, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable the customer to communicate with said central communications facility (see entire document).

As to claim 41, AT&T does not explicitly disclose the apparatus of claim 30, wherein said processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods and services.

However Dworkin discloses processor is further programmed to download software from said computerized central communications facility to said remote communications facility, said software adapted to enable said customer to conduct a transaction using the information provided by said computerized central communications facility relating to goods and services (Fig. 1, and col. 2, lines 20-41). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

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As to claim 42, AT&T discloses the apparatus of claim 30, wherein said processor is further programmed to provide an interactive presentation relating to goods and services (see entire document).

As to claim 43, AT&T does not explicitly disclose the apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice.

However, the Examiner takes official notice that it well known in the electronic sales presentation arts to have an interactive presentation includes an audio presentation in the form of a computerized voice. The purpose of computerized voice was to have a customer friendly sales presentation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 42, wherein said interactive presentation includes an audio presentation in the form of a computerized voice within AT&T and Dworkin for the motivation stated above.

As to claim 44, AT&T discloses an apparatus for marketing at least one of goods and services (see abstract):

a first central communications facility having information relating to goods or services to provide customer at a computerized remote facility upon request, said first central communications facility adapted to direct said customer to a second central communication facility having information relating a second set of information relating to

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goods and services to provide upon request (i.e. internet directory of directories)(see abstract);

a communication device to enable said first central communications facility to communicate with said remote facility, said communication including transmitting said first set of information from said first central communications facility to said remote facility (see abstract).

AT&T does not explicitly disclose

providing a database of information relating to goods and services.

However, Dworkin discloses providing access to a database of information relating to goods and services (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20).. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 45, the claim is substantially similar to claim 31 and is rejected on the same basis.

As to claim 47, AT&T disclose the apparatus of claim 44, wherein said central communications facility or at least one of the other central communications facilities further provides a directory of providers of goods and services (see abstract).

As to claim 49, the claim is substantially similar to claim 43 and is rejected on the same basis.

As to claim 51, the claim is substantially similar to claim 36 and is rejected on the same basis.

As to claim 54, AT&T does not explicitly disclose the apparatus of claim 44, further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location.

However, Dworkin discloses further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location (col. 8, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include further comprising a software application for assisting the central communications facility to download a contract to the computerized remote location as taught by Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 57, the claim is similar in scope to claim 39 and is rejected on the same basis.

As to claim 58, the claim is similar in scope to claim 40 and is rejected on the same basis.

As to claim 59, the claim is substantially similar to claims 30 and 44 and is rejected on the same basis.

As to claim 60, AT&T discloses the method of claim 59, further comprising establishing communication with a third database containing information relating to goods and services (see Fig. 1) as explained previously in claim 44.

As to claims 61-64, the claims are similar in scope to claims 39-41 and are rejected on the same basis.

As to claim 67, the claim is similar in scope to claim 42 and is rejected on the same basis.

As to claim 79, AT&T does not explicitly disclose the apparatus of claim 44 wherein said first communications facility further enables said customer to browse said first set of information relating to goods and service.

However, Dworkin discloses the apparatus of claim 44 wherein said first communications facility further enables said customer to browse said first set of information relating to goods and service (fig. 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said

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first communications facility further enables said customer to browse said first set of information relating to goods and service as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 80, AT&T does not explicitly disclose wherein the apparatus of claim 44 wherein said second communications facility further enables said customer to browse said second set of information relating to goods and service.

However, Dworkin discloses a communications facility further enables said customer to browse a set of information relating to goods and service (fig. 3 and 4). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said second communications facility further enables said customer to browse said second set of information relating to goods and service as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claim 81, AT&T does not explicitly disclose the method of claim 59, further comprising enabling the remote facility to search said first database or said second database.

However, Dworkin discloses further comprising enabling the remote facility to search said first database or said second database (fig. 3 and 4). It would have been

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obvious to one of ordinary skill in the art at the time of Applicant's invention to include enabling the remote facility to search said first database or said second database as disclosed in Dworkin within AT&T for the motivation of providing a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

As to claims 82-85, the claims are similar in scope to claims 30-33 and 78-81 and are rejected on the same basis.

Claims 87-90 are similar in scope to claims 30-33, 38-45, 59, 70, and 82 and are rejected on the same basis.

Claims 92 and 100 are similar in scope to claim 32 and are rejected on the same basis.

8. Claims 50, 72, 77, 78, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 30, 44, 70 and 82 above, and further in view of McCalley et al., Pat. No. 5,191,410 (hereinafter McCalley).

As to claims 50, 72, 77, 78 and 86, AT&T and Dworkin do not explicitly disclose wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request.

However, McCalley discloses wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request (col. 10, line 47 - col. 11, line 16). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said computerized central computerized is further programmed to provide said customer with live assistance upon request as disclosed by McCalley within AT&T and Dworkin for the motivation of providing assistance to customer(s) who request it (col. 10, lines 47-51).

9. Claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103, 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 30, 44, 59, 82, 87 above, and further in view of Filepp et al., Pat. No. 5,347,632.

As to claim 34, AT&T and Dworkin do not explicitly disclose the apparatus of claim 30, wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility.

However, Filepp discloses wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility (col. 8, lines 40-61, col. 83, lines 22-38 and col. 94, lines 26-50). It would have been obvious to one of ordinary skill in the art at

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the time of Applicant's invention to include wherein at least one of said computerized central communications facility and said other computerized central communications facilities further include an audio communication device for communication with said computerized remote communications facility as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 35, AT&T and Dworkin do not explicitly disclose the apparatus of claim 30, wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation

However, Filepp discloses wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation

(col. 18, lines 40-55, col. 59, lines 53-62, col. 65, lines 50-64, col. 83, lines 3-11, col. 90, line 60 - col. 91, line 13). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said computerized central communications facility and at least one of said other computerized central communications facilities is further adapted to provide information relating to goods and services in the form of an audio or video presentation as disclosed by Filepp within

AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 38, AT&T and Dworkin do not explicitly disclose the apparatus of claim 37, wherein said processor is further programmed to provide targeted advertising based on said customer profile.

However, Filepp discloses a computerized system that records customer preferences (i.e. responses) with respect to products offered for sale or purchased by the customer(col. 2, lines 46-50 and col. 93, lines, lines 28-43). The recorded customer responses represent the customer profile information, detailing user activity for the customer using the computerized system (col. 5, lines 22-33). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the apparatus of claim 37, wherein said processor is further programmed to provide targeted advertising based on said customer profile as disclosed by Filepp within AT&T in order to target advertisements or product offers (i.e. information) to specific customers based on consumer marketing strategies developed from the customer profile information (col. 93, lines 39-43).

As to claim 48, the claim is substantially similar to claim 35 and is rejected on the same basis.

C

As to claim 52, AT&T and Dworkin do not explicitly disclose the apparatus of claim 44, wherein said goods and services include financial services.

However, Filepp discloses wherein said goods and services include financial services (col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said goods and services include financial services as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 53, AT&T and Dworkin do not explicitly disclose the apparatus of claim 44, wherein said goods and services include auctioning services.

However, Filepp discloses wherein said goods and services include auctioning services (i.e. stocks and bonds)(col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein said goods and services include auctioning services as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 68, the claim is similar in scope to claim 35 and is rejected on the same basis.

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As to claim 69, the claim is similar in scope to claim 36 and is rejected on the same basis.

As to claim 94, AT&T and Dworkin do not explicitly disclose apparatus of claim 82 wherein at least one of the computerized central communications facility is configured to verify the identity of said customer.

However, Dworkin discloses the computerized central communications facility is configured to verify the identity of said customer (i.e. logon)(col. 8, lines 40-61). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein at least one of the computerized central communications facility is configured to verify the identity of said customer as disclosed by Filepp within AT&T and Dworkin to provide services to users based on user demographics (col. 2, lines 40-45)

As to claims 95 and 103, AT&T and Dworkin do not explicitly disclose providing information regarding the sale or financing of housing.

However, Filepp discloses wherein said goods and services include financial services (col. 6, lines 10-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include providing information regarding the sale or financing of housing as disclosed by Filepp within AT&T and Dworkin for the motivation of providing large numbers of users to applications containing interactive text/audio/graphics (col. 2, lines 22-27).

As to claim 107, the claim is similar in scope to claim 53 and is rejected on the same basis.

Claims 91, 99, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 82 and 87 above, and further in view of Anonymous, "Prodigy Services add Offerings"(hereinafter Offerings).

As to claims 91 and 99, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities is configured to initiate contact with said customer.

However, Offerings discloses at least one of said computerized central communications facilities is configured to initiate contact with said customer (i.e. electronic reminders)(page 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities is configured to initiate contact with said customer as disclosed by Offerings within AT&T and Dworkin for the motivation of offering special interest offerings to customers (see page 1).

As to claim 100, the claim is similar in scope to claim 32 and is rejected on the same basis.

10. Claims 70-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T in view of Dworkin and McCalley.

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As to claim 70, AT&T discloses an apparatus for marketing goods and services (see abstract), comprising:

a central communications facility to provide information relating to goods and services to a customer at a computerized remote facility, said central communications facility adapted to direct said customer to at least one other central communications facility providing information to goods or services (see abstract);

a second communication device at said central communications facility associated with a second communication path for providing a second communication between said central communications facility and said computerized remote facility (see abstract)

AT&T does not explicitly disclose

a database of information relating to goods and services accessible by said customer at said remote facility.

However, Dworkin discloses a database of information relating to goods and services accessible by said customer at said remote facility(i.e. modem)(see Fig. 1 a database of information relating to goods and services accessible by said customer at said remote facility (col. 3, lines 60-69, col. 4, lines 35-61, and col. 5, lines 20).It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within AT&T in order to provide a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

AT&T and Dworkin do not explicitly disclose

a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility.

However, McCalley discloses a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility (col. 10, line 47 - col. 11, line 16). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a first communication device associated with said central communications facility for providing live communication between the central communications facility and said computerized remote facility as disclosed by McCalley within AT&T and Dworkin for the motivation of providing assistance to customer(s) who request it (col. 10, lines 47-51).

As to claim 71, the claim is similar in scope to claim 47 and is rejected on the same basis.

As to claims 73-76, the claims are similar in scope to claims 39-41 and are rejected on the same basis.

11. Claims 93, 96-98, 101, 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over AT&T and Dworkin as applied to claims 82, 87 above, and further in view of Examiner's use of Official Notice.

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As to claims 93, 101, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to provide employee recruiting information.

However, the Examiner takes official notice that it was well known in the electronic arts to provide employee recruiting information. The purpose of electronically providing recruiting information was to take advantage of a large audience of customers that are more likely to meet recruiting requirements. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to provide employee recruiting information within AT&T and Dworkin for the motivation stated above.

As to claims 96, 97, 104, 105, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to provide coupons.

However, the Examiner takes official notice that it was well known in the electronic arts to provide coupons for goods or services. The motivation was to provide customers with an incentive to purchase goods and services offered by a provider. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to provide coupons within AT&T and Dworkin for the motivation stated above.

As to claims 98, 106, AT&T and Dworkin do not explicitly disclose at least one of said computerized central communications facilities configured to charge customers a fee to obtain access to said information relating to goods or services.

However, the Examiner takes official notice that it was well known in the electronic arts to charge customers a fee for information. The motivation was to insure vendors are reimbursed for provided services. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one of said computerized central communications facilities configured to charge customers a fee to obtain access to said information relating to goods or services within AT&T and Dworkin for the motivation stated above.

12. Claims 108, 110-114 and 139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh in view of Lockwood, Pat. No. 5,576,951.

As to claim 108, Saigh discloses A marketing apparatus for use with a distant communication including means for storing a digital image and a data record of a good for sale within said distant communication apparatus and a means for transmitting said digital image and data record to said marketing apparatus (see abstract), said marketing apparatus comprising:
a communication means for communicating with said distant communications apparatus (see Fig. 1, col. 4, lines 18-35 and lines 51-61 and col. 5, lines 21-30);

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a processor operably connected to said communications means, said processor receiving the data record of a good for sale from said distant communications apparatus, said processor receiving an identification code from said distant communications apparatus (i.e. ISBN codes)(col. 6 lines 4-10, col. 7, lines 12-49 and col. 8, lines 39-65);

a storage device operably connected to said processor, said storage device adapted to receive said data record of a good for sale, said data record containing a written description of said good for sale (col. 8, lines 52-57);

a transaction processor operably connected to said communications link and said storage device, said transaction processor adapted to enable customer to tender payment, and to approve said payment means (col. 8, lines 21-24); and

a transaction record means operably connected to said transaction processor, said transaction record means transmitting to said customer in response to said purchase request a record of said transaction (col. 8, lines 29-32).

Saigh does not explicitly disclose

said data record includes an image of said good for sale and

presentation software operably connected to said storage device and a communications link, said presentation software providing, via said communications link, an interface to said marketing apparatus for a customer, thereby giving the customer access to said data record written description and said image of said good for sale.

However, Lockwood discloses a data record includes an image of the good for sale (i.e. pictorial representations)(col. 16, lines 24-35) and presentation software operably connected to said storage device and a communications link, said presentation software providing, via said communications link, an interface to said marketing apparatus for a customer, thereby giving the customer access to said data record written description and said image of said good for sale (audio visual data sources ... textual information)(col. 8, lines 40-43 and 54 – col. 9, line 31). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Saigh for the motivation of providing an automatic and efficient system which is useful for dispensing information, goods and services for a wide variety of service industries (col. 6, lines 39-41)

As to claim 110, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide a coupon relating to said goods or services to said customer (col. 14, lines 21-25).

As to claim 111, Saigh does not explicitly disclose The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide information about the sale or financing of vehicles.

However, Lockwood discloses wherein at least one of said apparatus is configured to provide information about the sale or financing of vehicles (i.e. car

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loans)(col. 12, lines 47-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Saigh for the motivation of providing an interactive device to inquire about loans and reduce the time and cost in processing loans (col. 6, lines 13-20).

As to claim 112, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information data bank)(Fig. 1).

As to claim 113, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to contact said customer and apprise said customer of goods or services offered or any special offerings (Col. 14, lines 21-25).

As to claim 114, Saigh discloses The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to initiate contact with said customer (i.e. promotional delivery system)(col. 14, lines 16-25).

13. Claim 109 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh and Lockwood as applied to claim 108 above, and further in view of Ferguson et al., Pat. No. 5,819,092 (hereinafter Ferguson).

As to claim 109, Saigh does not explicitly disclose The marketing apparatus of claim 108 wherein at least one of said apparatus is configured to provide auctioning services.

However, Ferguson discloses wherein at least one of said apparatus is configured to provide auctioning services (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson within Saigh for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

14. Claim 139 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh as applied to claim 115 above, and further in view of Lockwood.

As to claim 139, Saigh does not explicitly disclose The apparatus of claim 115 wherein said rentals are travel rentals.

However, Lockwood discloses wherein said rentals are travel rentals (i.e. car rental)(see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed in Lockwood within Saigh for the motivation of reducing the need for traveling to stores for multiple products (col. 4, lines 27-40).

15. Claim 124 rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh as applied to claim 124 above, and further in view of Saigh.

As to claim 124, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to goods or services to said customer.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to goods or services to said customer (col. 14, lines 21-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

16. Claim 125 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford as applied to claim 123 above, and further in view of Ferguson.

As to claim 125, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide auctioning services.

However, Ferguson discloses wherein at least one of said computerized central communications facilities is configured to provide auctioning services (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson

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within Gifford for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

17. Claim 126 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford as applied to claim 123 above, and further in view of Lockwood.

As to claim 126, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles.

However, Lockwood discloses wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles (i.e. car loans)(col. 12, lines 47-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Gifford for the motivation of providing an interactive device to inquire about loans and reduce the time and cost in processing loans (col. 6, lines 13-20).

18. Claims 127-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford as applied to claim 123 above, and further in view of Saigh.

As to claim 127, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is

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configured to enable said customer to select and contact another computerized central communications facility.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (i.e. peripheral information data bank)(Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

As to claim 128, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to contact said customer and apprise said customer of goods or services offered or any special offerings (Col. 14, lines 21-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

As to claim 129, Gifford does not explicitly disclose The method of claim 123 wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer.

However, Saigh discloses wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer (i.e. promotional delivery system)(col. 14, lines 16-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within Gifford for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

19. Claim 130-132 and 135-137 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh in view of

As to claim 130, Saigh discloses A method for enabling a remote user to purchase a portion of a pre-recorded entertainment product from a network computerized central communications facility containing pre-selected portions of different pre-recorded entertainment products, using a computer, a computer display and a telecommunications link between the remote user's computer and the network computerized central communications facility (i.e. rental delivery system)(col. 7, lines 5-11 and , the method comprising the steps of

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- a) using the remote user's computer to establish a telecommunications link to the network computerized central communications facility wherein the network computerized central communications facility (col. 5, lines 5-30) comprises
 - (i) a central computer coupled to a communications network for retrieving and transmitting the pre-selected portion of the pre-recorded entertainment product upon request by a remote user (col. 6, lines 4-31) and (ii) a central storage device for storing pre-selected portions of a plurality of different pre-recorded entertainment products (col. 6, lines 4-31);
- b) choosing at least one pre-selected portion of the pre-recorded entertainment products from said central computer (col. 6, lines 4-31);
- c) receiving the chosen pre-selected portion of the pre-recorded products (col. 6, lines 4-31); and

Saigh does not explicitly disclose

- d) interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product.

However, Intouch discloses interactively previewing the received chosen pre-selected portion of the pre-recorded entertainment product (i.e. sample and purchase music over the Internet)(page 1, paragraph 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Intouch within Saigh for the motivation of providing customers with easy access to a large number of titles (page 1, paragraph 2).

As to claim 131, Saigh discloses The method of claim 130 wherein the method further comprises the step of transmitting user identification data from the remote user's computer to the central host server thereby allowing the central host server to identify and track the user's progress through the network computerized central communications facility (i.e. customer codes)(col. 10, lines 52-61).

As to claim 132, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities (Fig. 1) and wherein at least one of said computerized central communications facilities is configured to provide a coupon relating to said goods or services to said customer (col. 14, lines 15-25).

As to claim 135, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to enable said customer to select and contact another computerized central communications facility (see Fig. 1).

As to claim 136, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to contact said

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customer and apprise said customer of goods or services offered or any special offerings (i.e. promotional delivery system)(col. 14, lines 15-25).

As to claim 137, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities and wherein at least one of said computerized central communications facilities is configured to initiate contact with said customer (i.e. promotional delivery system)(col. 14, lines 15-25).

20. Claim 133 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh and Intouch as applied to claim 130 above, and further in view of Ferguson.

As to claim 133, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities (Fig. 1).

Saigh and Intouch does not explicitly disclose

wherein at least one of said computerized central communications facilities is configured to provide auctioning services.

However, Ferguson discloses wherein at least one of said computerized central communications facilities is configured to provide auctioning services (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson within Saigh and Intouch for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

21. Claim 134 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh and Intouch as applied to claim 130 above, and further in view of Lockwood.

As to claim 134, Saigh discloses The method of claim 130 wherein said network comprises multiple computerized central communications facilities (Fig. 1)

Saigh does not explicitly disclose

wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles.

However, Lockwood discloses wherein at least one of said computerized central communications facilities is configured to provide information about the sale or financing of vehicles (i.e. car loans)(col. 12, lines 47-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Lockwood within Saigh and Intouch for the motivation of providing an interactive device to inquire about loans and reduce the time and cost in processing loans (col. 6, lines 13-20).

22. Claim 138 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saigh in view of Ferguson.

As to claim 138, Saigh discloses An apparatus for marketing goods and/or services, comprising:

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a computerized central communications facility providing information relating to goods and/or services to customers at a plurality of computerized remote facilities, each of said plurality of computerized remote facilities remote from and linked to said computerized central communications facility (Fig. 1); and

a database of information relating to said goods and/or services accessible to customers at said plurality of computerized remote facilities Fig. 1);

Saigh does not explicitly disclose

wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities.

However, Ferguson discloses wherein said computerized central communications facility provides auctioning services including receipt of auction bids placed by customers from said plurality of computerized remote facilities (col. 9, lines 44-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Ferguson within Saigh for the motivation of commerce enabling any information source that is electronically available (col. 8, lines 55-59).

Double Patenting

23. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11

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F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.3218 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

24. Claims 30 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,055,514 in view of AT&T and Dworkin.

As to claim 30, the '514 patent discloses an apparatus to market and sell goods and/or services over an electronic network (see claim 2) comprising:

a computerized central communications facility having information relating to goods and/or services stored in a database, said computerized communications facility having a processor programmed to (see claim 1):

receive from a customer located at a computerized remote facility a request to search in the database at the computerized central communications facility for information of interest (claim 1);

provide said customer with live assistance upon request (claim 2);

enable said customer to search said database for information of interest, direct a transmitter at said computerized central communications facility to transmit said

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information of interest from the database at said computerized central communications facility to said computerized remote communications facility (claim 1); and

The '514 patent does not explicitly disclose

a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network.

However, AT&T discloses a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network (i.e. directory of directories)(see abstract).

The '514 patent does not explicitly disclose

periodically update said database in said computerized central communications facility.

However, Dworkin discloses periodically update said database in said computerized central communications facility (i.e. new product information)(col. 9, lines 36-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features above as taught by Dworkin within the '514 patent in order to provide a system for locating and purchasing products of interest to a customer (col. 1, lines 8-12 and lines 63-65).

25. Claims 108-114 and 130-143 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S.

Patent No. 6,055,514 in view of Saigh, Ferguson, inTouch and Lockwood

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As to claims 108-114 and 130-143, the '514 patent discloses a method and an apparatus to market and sell goods and/or services over an electronic network as discussed above.

The '514 patent does not explicitly disclose a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network.

However, Saigh, Ferguson, inTouch and Lockwood disclose a computerized central communications facility adapted to be linked to a computerized remote facility and a plurality of other computerized central communications facilities and to a network (i.e. peripheral information data bank)(see Saigh, Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Saigh within the '514 patent for the motivation of providing a system that reduces the costs associated with the publication and distribution of information (col. 2, lines 56-60).

Response to Arguments

26. Applicant's arguments filed 10/21/2004 have been fully considered but they are not persuasive. Applicant argues that a prima facie case of obviousness has not been presented by the Examiner.

Initially, Applicant argues that the Examiner fails to explain any motivation to combine the references and in fact the Examiner failed to cite motivation to combine

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from the references. The Examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Examiner explicitly explained the motivation to combine the references within the rejection of the claims. In fact, the Examiner cited motivation to combine the references directly from the references themselves. Applicant further argued that the rejection should be withdrawn since the Examiner failed to provide motivation to combine. In response, not only did the Examiner provide motivation to combine but clearly pointed out the motivation to combine by citing motivation to combine from the references themselves. Therefore, Applicant's arguments directed to motivation to combine the references are deemed nonpersuasive.

In addition, it seems that Applicant argues that the Dworkin and AT&T references cannot be properly combined because combining Dworkin with AT&T changes the principles of operation of AT&T. In response to applicant's argument that combining Dworkin with AT&T changes the principles of operation of AT&T, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the

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test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The Examiner cited the Dworkin reference for certain teachings. Applicant's characterization of the AT&T reference is incomplete. The database that Applicant refers to is a listing of services and contact information, specifically how a user can connect to the listed services using a computer. Both the AT&T reference and the Dworkin reference are directed to a listing of services. Applicant continuously describes AT&T as a listing service for scientific information. AT&T discloses that as of the reference's publication date, the Internet clearly was in use for and by commercial users (page 2). Furthermore, as disclosed in the Gifford reference, commercial information (i.e. product information) on the Internet was available for purchase at least since 12/1993 (see Gifford, abstract). Therefore, Applicant's narrow characterization of the AT&T and Dworkin references and arguments based on bodily incorporation of the systems represented in the two references is non persuasive.

Applicant argues that the AT&T reference does not explicitly disclose "provide to the customer at said computerized remote facility a list of computerized centralized facilities permitting said customer to select and contact at least one other computerized central communications facility to request additional information relating to goods and services. Additionally Applicant argues that AT&T does not disclose " first computerized central facility adapted to be linked to a computerized remote facility and to a plurality of other computerized central communications facilities". The Examiner disagrees. As pointed out by Applicant, AT&T discloses a directory of directories that "provides

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information so the user knows where to look to find out where the info is located"

(Response, page 11). More specifically, the AT&T reference describes a road map to users of the Internet (AT&T, abstract). In addition, the AT&T reference discloses a web site that provides a one stop shopping list for all the Internet's services (AT&T, abstract). Moreover, users access the AT&T service by the use of network information tools such as Gopher (AT&T, see abstract). Clearly the AT&T reference describes a list of resources and information that is available in a database. The database is accessible to users over a computer network (i.e. Internet) through network information tools (i.e. Gopher). AT&T at the very least suggests or implies that a user (i.e. customer) uses a computer (i.e. computerized remote facility) to link (i.e. network connection) to AT&T's directory of directories (i.e. central communications facility). The AT&T site provides information on other resources on the Internet (AT&T, page 2)(i.e. first computerized central communications facility adapted to be linked to a plurality of other computerized central communications faculties). Moreover, the AT&T site is "adapted to be linked to" other sites by providing information on where to access other information sources on the Internet. It seems that Applicant argues the claims language requires one centralized communications facility to directly connect, through a network connection, a remote user to another centralized communications facility. However, this feature has not been claimed and the Examiner will not consider this limitation. The AT&T site is adapted to be linked to other sites since the site is located on the Internet along with other sites containing information. Once the user obtains information of interest from the AT&T site, the user may connect to another site. Therefore, the AT&T site is adapted to

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be linked to other centralized communications facilities on the Internet. Therefore Applicant's arguments directed to the AT&T reference are deemed nonpersuasive.

With respect to claim 32, Applicant argues that neither AT&T nor Dworkin disclose "central communications facility is programmed to contact the customer and apprise said customer of goods and services offered or any special offerings". The Examiner disagrees. Dworkin discloses a submenu that appries a user of new product offerings. The central communications facility of Dworkin is clearly programmed to present these new product offerings to the customer via this sub-menu. In addition, the central communications facility is programmed to contact the customer with this information in that the central communications facility by programming the central communications facility to automatically present this information to the user as part of the electronic catalog. Therefore, Applicant's arguments directed to this feature are non persuasive.

With respect to claims 39 and 40, Applicant argues that nowhere in the AT&T reference is software downloaded to the Applicant. The Examiner disagrees. In AT&T, a directory of directories is displayed to a customer (page 2). The customer's computer displays this information by accessing the information at the AT&T web site. Clearly, the information is downloaded to the customer computer from the AT&T web site in order for the information to be displayed to the customer. Therefore, Applicant's arguments are non persuasive.

With respect to claim 41, Applicant argues that Dworkin does not disclose that software can be downloaded from the computerized central communications facility to

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the computerized remote communications facility. The Examiner disagrees. Dworkin initially discloses that a plurality of remote terminals may be connected to the central computer in order to support multiple users (col. 9, lines 1-16). It is also clear that the user can display all of the menus generated by the Dworkin central computer.

Therefore, the central computer downloads software from the central computer to the remote computer and Applicant's arguments are deemed non persuasive.

With respect to claim 44, Applicant presents similar arguments to the arguments presented above and the Examiner refers Applicant to the response to arguments above.

With respect to claim 54, Applicant argues that Dworkin does not disclose "a software application for assisting the central communications facility to download a contract to the computerized remote location". The Examiner disagrees. First, Dworkin discloses that the transaction number is sent electrically to the user (col. 8, lines 25-37). The transaction number represents the order for the product or service that is transmitted by the system to the supplier/vendor (i.e. contract). Therefore, Applicant's arguments are deemed non persuasive.

With respect to claim 59, Applicant asserts that the references do not disclose the claimed limitations of claim 59. The Examiner notes that the feature was rejected by the Examiner and the Applicant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, the Applicant does not overcome the rejection of the claim.

With respect to claim 60, Applicant repeats similar arguments that were addressed previously by the Examiner and the Examiner refers the Applicant to the response to arguments above.

With respect to claims 80 and 81, Applicant argues that the AT&T and Dworkin references do not disclose an interactive link with multiple central facilities and databases of goods and products not does it provide that a customer may browse the databases. The Examiner disagrees. The Examiner notes that the feature was rejected by the Examiner and the Applicant is required to explain why the references do not disclose the claimed limitations (see MPEP 714.02). Therefore, the Applicant does not overcome the rejection of the claim.

With respect to claims 82, 87, 88, 89, and 90, the Applicant presents similar arguments that were presented for previous claims and the Examiner refers Applicant to the response to arguments presented above.

With respect to claims 92 and 100, the Applicant presents similar arguments that were presented for previous claims and the Examiner refers Applicant to the response to arguments presented above.

With respect to claims 50, 72, 77, 77, 78, and 86, Applicant argue that the Examiner did not provide any motivation to combine the references. The Examiner notes that not only did the Examiner cite motivation to combine the reference, the motivation was cited directly from the references themselves. In addition, Applicant argues that the AT&T reference cannot be properly combined. The Examiner addressed this argument in a previous claim and the Examiner refers Applicant to the response to

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arguments above. Lastly, the Applicant argues that the McCalley reference cannot be combined with the AT&T and Dworkin references since in McCalley the customer is only permitted a single source of information. The Examiner notes that the McCalley reference was cited for specific teachings, not for the system disclosed in McCalley. Therefore, the combination is proper and Applicant's arguments are deemed non persuasive.

With respect to claims 34, 35, 38, 48, 52, 53, 68, 69, 94, 95, 103 and 107, Applicant argues that the Examiner did not provide any motivation to combine the references. The Examiner notes that not only did the Examiner cite motivation to combine the reference, the motivation was cited directly from the references themselves. In addition, Applicant argues that the AT&T reference cannot be properly combined. The Examiner addressed this argument in a previous claim and the Examiner refers Applicant to the response to arguments above. Lastly, the Applicant argues that the Filepp reference cannot be combined with the AT&T and Dworkin references since in Filepp the customer is only permitted a single source of information. The Examiner notes that the Filepp reference was cited for specific teachings, not for the system disclosed in Filepp. Therefore, the combination is proper and Applicant's arguments are deemed non persuasive.

With respect to claims 53 and 107, Applicant argues that Filepp does not disclose providing auction services. The Examiner notes that the cited passage describes electronic quotes for stock and a buy/sell order for stock. Such a system contemplates a type of auction system in that various offers and differing quotes for

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stocks may be received. Prices for stock are dynamic or fluid and as such reflect the fluctuations that are part of an exchange. Such a system is more on the order of a bidding system that is represented by auctions. Therefore, Applicants arguments are deemed nonpersuasive.

With respect to claim 91, 99 and 100, Applicant presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above.

With respect to claims 70-76, Applicant presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above.

With respect to claims 93, 96-98, 101, and 104-106, Applicant presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above. In addition, Applicant has not challenged Examiner's use of official notice and therefore, Applicant's lack of challenge constitutes Applicant's agreement that these limitations were well known in the art.

With respect to the double patenting rejection, the Examiner finds Applicant's arguments with respect to claims 31-36, 38-45, 47-54, 57-64 and 67-107 to be persuasive and the Examiner withdraws the double patenting rejection of these claims. However, the Examiner maintains the rejection of claim 30. Applicant's presents similar arguments that have been addressed previously and the Examiner refers Applicant to the response to arguments above.

With respect to newly added claims 108-143, Applicants arguments are moot in light of newly established grounds of rejection for these claims as set forth in the next section above.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

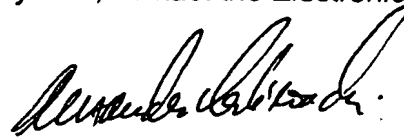
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski whose telephone number is (571) 272-6771. The examiner can normally be reached on Monday to Wednesday, 9:00 am to 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alexander Kalinowski
Primary Examiner
Art Unit 3626

6/20/05

APPENDIX D

Consolidated Arguments

Multiple central communications facilities

Appellant alleges that his claims to multiple central communications facilities are supported no later than June 1994. Appellant bases this on application 08/268309 (filed 29 June 1994) and application 08/264184 (filed 22 June 1994).

In response, 08/268309 and 08/264184 do not disclose the use of multiple central facilities. Appellant attempted to introduce this feature on 29 March 1996, in amended Fig. 1. Original Fig. 1 filed on 29 June 1994 does not have the feature.

In the instant application, claims directed to multiple central facilities have a priority of 20 May 1996, the filing date.

The Examiner has addressed this issue before:

With respect to Applicant's arguments directed to the rejections of claims 44-55, 57-65, and 67-76 based on 35 USC 103, Applicant argues that the rejection is improper since the [...reference...] reference is not prior art. Furthermore, Applicant asserts that support for all of the claimed limitations of claims 44-55, 57-65, and 67-76 is found in Application Ser. No 08/268,309. The Examiner disagrees. Nowhere in the specification of 08/268,309 is there support for more than one central communications facility transmitting information to a remote facility or more than one central communications facility with a database of goods and services. Support for these features is found in the instant application only. [...reference...] was used to reject these features and the [...reference...] reference is prior art with respect to features that find support in the instant application. Therefore, Applicant's arguments are non persuasive and maintains the rejection of claims 44-55, 57-65, and 67-76 based on 35 USC 103. [Advisory Action, 25 June 2002, page4]

Appellant again raised the issue on 4 August 2003:

During an interview of co-pending application no. 09/504.374 on January 28, 2003 with Examiner Thompson and supervising Examiner Coggins... [Page 18, footnote 2]

Also applicant's attorneys argued in the interview referenced in footnote 2 above that the [...reference...] was not prior art as the claims pending therein [sic] found support in parent application 08/268,309 (hereinafter '309 application) filed June 29, 1994 and therefore predate the earliest possible [...reference...]. The examiners agreed and withdrew their rejections accordingly. [page 19, footnote 3]

The Examiner notes that the prosecution of the instant application contains no such agreement.

Saigh is prior art (5,734,823). Saigh was filed 25 July 1996, and claims priority as continuation of U.S. patent application Ser. No. 08/367,056 filed Dec. 30, 1994, now abandoned, which is a continuation-in-part of the U.S. patent Ser. No. 08/296,120 filed Aug. 25, 1994, now abandoned, which is a continuation-in-part of Ser. No. 07/787,536 filed Nov. 4, 1991, now abandoned. Features cited in Saigh have a priority date no later than 30 December 1994, antedating Appellant's 20 May 1996 filing date of the instant application.

Ferguson is prior art (5,819,092). Ferguson was filed on 6 October 1997 and is a file wrapper continuation application, based on prior application Ser. No. 08/336,300, filed on 8 November 1994, now abandoned. Features cited Ferguson have a priority date not later than 8 November, antedating appellant's 20 May 1996 filing date of the instant application.

InTouch is prior art. However, InTouch was published 11 April 1995, antedating appellant's 20 May 1996 filing date of the instant application. InTouch discloses Internet shopping.

References are properly combinable.

ATT, Dworkin, Filepp and McCalley are properly combined. The references do not teach away from each other.

ATT and Dworkin disclose buying and selling goods and services (including information) over networks by users (Appellant's customers). For ATT, see above. See, for example, Dworkin Fig. 1 discloses network(s). See also:

An automated system assists a user [Appellant's customers] in locating and purchasing goods or services sold by a plurality of vendors...[Dworkin, abstract, emphasis added]

McCalley discloses shopping over networks, as in Fig. 1, for example. The references are properly combined.

Filepp discloses external providers [plural] of goods and services (see *col.* 7, line 1-Col. 8, line 61, Col. 22, lines 20-44, *col.* 35, line 66-Col. 36, line 14, *col.* 75, line 40-Col. 76, line 12).

Hindsight. Appellant argues that the Examiner is using hindsight (claims 30, 36, 44, 51 and 112). In response to this argument, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Official Notice is proper. Appellant argues that the Examiner's use of Official Notice is improper and contrary to MPEP 2144.03(A). In response, the Examiner notes that the cited MPEP language uses the discretionary term "...*should*..." The Examiner asserts that his use of Official Notice in Final Actions is rare. Further, Appellant presents no evidence to dispute the facts Officially Noticed:

...it was well known in the electronic arts to provide employee recruiting information. The purpose of electronically providing recruiting information was to take advantage of a large audience of customers that are more likely to meet recruiting requirements...

...it was well known in the electronic arts to provide coupons for goods or services. The motivation was to provide customers with an incentive to purchase goods and services offered by a provider...

...it was well known in the electronic arts to charge customers a fee for information. The motivation was to insure vendors are reimbursed for provided services.

A "traverse" is a denial of an opposing party's allegations of fact.¹ The Examiner respectfully submits that applicants' arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made (see Final Office Action, pages 27-28). Even if one were to interpret applicants' arguments and comments as constituting a traverse, applicants' arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 706.07(a). An adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art. In re Boon, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03
Reliance on Common Knowledge in the Art or "Well Known" Prior Art.

¹ Definition of Traverse, Black's Law Dictionary, "In common law pleading, a traverse signifies a denial."

In view of applicant's failure to adequately and seasonably traverse official notice, the following are admitted prior art:

...it was well known in the electronic arts to provide employee recruiting information. The purpose of electronically providing recruiting information was to take advantage of a large audience of customers that are more likely to meet recruiting requirements...

...it was well known in the electronic arts to provide coupons for goods or services. The motivation was to provide customers with an incentive to purchase goods and services offered by a provider...

...it was well known in the electronic arts to charge customers a fee for information. The motivation was to insure vendors are reimbursed for provided services.

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